

Veterans' Priority Provisions Policy

References:

Jobs for Veterans Act (Public Law 107-288); Veterans' Benefits, Health Care, and Information Technology Act of 2006 (P.L. 109-461); Workforce Investment Act of 1998 (P.L. 105-220); Federal Register/Vol. 73, No. 245/Dec. 19, 2008; TEGL 10-09; TEGL 5-03; TEGL 22-04; TEGL 2-13; TEGL 19-13; TEGL 20-13; VPL 07-09; VPL 03-14; VPL 04-14; and Nebraska Veterans Employment and Training Service State Plan.

Background:

The "Jobs for Veterans Act" signed in November of 2002 amended legislation governing Department of Labor (DOL) services to veterans. Section 2(a) of the Act, 38 U.S.C. 4215(a), established a priority of service requirement for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in U.S. Department of Labor (DOL) training programs. On December 19, 2008, the final rule to implement priority of service in qualified job training programs was issued. This regulation established new reporting requirements for those programs serving over 1,000 covered persons per year nationally including: the Workforce Investment Act (WIA) Adult, WIA Dislocated Worker, Wagner-Peyser State Grants, National Emergency Grants, Trade Adjustment Assistance (TAA), and the Senior Community Service Employment Program (SCSEP).

Title 38 U.S.C. 4103A mandates specific roles and responsibilities for Disabled Veterans' Outreach Program (DVOP) specialist staff. The Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) recently issued policy guidance on the distinct roles of the DVOP specialist. Jobs for Veterans State Grants (JVSG) is an essential partner within the American Job Center (AJC) network. This policy is intended to improve service delivery by clarifying the specific roles of JVSG staff while also reaffirming the responsibilities of other AJC partners to serve veterans as required by their governing statutes.

Action:

After the 10 day public review period, this policy is considered final. Questions and comments should be submitted in writing to Stan Odenthal, Policy Coordinator, stan.odenthal@nebraska.gov.

Policy:

The term "priority of service" means, with respect to any qualified job training program, that a covered person shall be given priority over a non-covered person for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of the law.

The term "covered person" as defined in section 2(a) of the Jobs for Veterans Act [38 U.S.C. 4215(a)] means a veteran or eligible spouse.

“Veteran” means a 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, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. Active service does not include full-time duty performed strictly for training purposes nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities. [State mobilizations usually occur in response to events such as natural disasters.] Whether the veteran served domestically or overseas is not relevant to the determination of veteran status for purposes of applying priority.

Eligible Spouse means the spouse of any of the following:

1. Any veteran who died of a service-connected disability;
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in the line of duty by a hostile force, or (III) forcibly detained or interned in the line of duty by a foreign government or power;
3. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability, as indicated in paragraph 3 (above), was in existence. §4215(a)

[Note: Not every spouse of a person who dies on active military duty qualifies as an “eligible spouse.” Only spouses meeting the conditions above qualify as “eligible.” Also, if a widow(er) who qualifies under either Criteria 1 or Criteria 4 chooses to remarry, they retain their qualification as an “eligible spouse.” Spouses considered under Criteria 2 and 3 (above) are eligible only during the time that the service member or veteran remains in that status. For example, if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level, then the spouse’s eligibility under Criteria 3 would be lost. If a spouse whose eligibility is derived from a living veteran or service member becomes divorced, the spouse would lose the eligibility to priority at that point.]

The term “non-covered person” means any individual who meets neither the definition of “veteran,” nor the definition of “eligible spouse.”

A “qualified job training program” means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the U.S. Department of Labor.

Application of Priority of Service

The application of priority of service varies by program depending on the eligibility requirements of the particular program. Qualified job training programs fall into two basic categories: universal access programs and programs that require prospective participants to meet specified eligibility criteria.

1. Universal Access Programs

These programs operate or deliver services to the public as a whole and do not target specific groups. For example, the primary universal access services are the “core” services delivered through the American Job Center system under the Wagner-Peyser and WIA programs. These programs are required to provide priority of service to covered persons.

2. Programs with Eligibility Criteria

Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet.

It is important to note that a veteran or eligible spouse must first meet any and all of the statutory eligibility criteria in order to be considered eligible for: a) enrollment in the program; b) receipt of priority for enrollment in the program; and c) priority for receipt of services.

In addition to the eligibility criteria that all participants are required to meet, some programs also have priorities that establish a rank order to be observed in enrolling or serving participants. These priorities can be of two types: a) statutory; or, b) discretionary.

a) Programs with Statutory Priorities

These programs are required by law to provide a priority or preference for a particular group of individuals or require the program to spend a certain portion of program funds on a particular group of persons receiving services. For example, under the Workforce Investment Act [Sec. 134(d)(4)(E)] there is a mandate that if "funds allocated to a local area for adult employment and training activities...are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services." [Note: When determining eligibility for veterans and eligible spouses, GI Bill and other education and training benefits administered by the Department of Veterans Affairs are not required to be coordinated with WIA training (i.e., veterans and eligible spouses cannot be required to exhaust their VA benefits prior to gaining access to WIA training.) Refer to Attachment A for further clarification on exemption of military service-related income.]

For programs with this type of mandatory priority, program operators must determine the status of each individual veteran or eligible spouse and apply priority of service as described below:

1. Veterans and eligible spouses who meet the mandatory priorities or spending requirement or limitation must receive the highest level of priority for the program or service;
2. Non-covered persons who meet the program's mandatory priority or spending requirement or limitation then receive the second level of priority for the program or service;
3. Veterans and eligible spouses outside the program-specific mandatory priority or spending requirement or limitation then receive the third level of priority for the program or service; and
4. Non-covered persons outside the program-specific mandatory priority or spending requirement or limitation then receive the fourth level of priority for the program or service.

After taking into consideration the Workforce Investment Act's mandatory priorities, priority of service applies to the selection procedure as follows:

1. 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.
2. Priority of service applies up to the point at which an individual is both: a) approved for funding; and b) accepted or enrolled in a training class. Once a non-covered person has been both 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 identified subsequently to “bump” the non-covered person from that training class.

b) Programs with Discretionary Priorities

Some qualified job training programs may include a focus on a particular group or make efforts to provide a certain level of service to a particular group without the authorizing law specifically mandating that the target group be served before other eligible individuals. Because a discretionary focus of this type is not a statutorily mandated priority or targeting requirement, veterans and eligible spouses must receive the highest priority for programs or services with a discretionary targeting requirement. Non-covered persons within the discretionary targeting group then receive the second level of priority. Non-covered persons outside the discretionary targeting group receive the third level of priority. With respect to priority of service, the only feature that distinguishes discretionary targeting programs from universal access programs is the additional application of the discretionary targeting criterion to the non-covered persons. Therefore, for veterans and eligible spouses, priority of service applies to discretionary targeting programs and services the same way that it applies to universal access programs, i.e., veterans and eligible spouses first.

Impact on Workforce Investment System Processes

1. Processes must be in place to ensure that covered persons are identified at the point of entry.
 - Point of entry may include: reception through an office affiliated with the American Job Center network established pursuant to the Workforce Investment Act of 1998; as part of an application process for a specific program; or through any other method by which covered persons express an interest in receiving services, either in-person or virtually.
 - The processes for identifying covered persons at the point of entry must be designed to: permit the individual to make known his or her covered person status; and permit those qualified job training programs to initiate data collection for covered entrants.
 - The processes for identifying covered persons are not required to verify the status of an individual as a veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment in a program.
2. Covered persons must be given an opportunity to take full advantage of priority of service. This includes ensuring that covered persons are aware of:
 - Their entitlement to priority of service;
 - The full array of employment, training, and placement services available under priority of service; and
 - Any applicable eligibility requirements for those programs and/or services.
3. The Strategic State Workforce Investment Plan must address priority of service including 1 and 2 above.
4. Local Workforce Investment Boards must develop and include in their strategic local plan, policies implementing priority of service for the local offices affiliated with the American Job Center network and for service delivery by local workforce training providers. These policies must include 1 and 2 above. The Jobs for Veterans Act does not change the requirement that participants must qualify as eligible under the Workforce Investment Act, nor does it change local area ability to budget funds

among core, intensive, training and supportive services. Local programs are not required to change their allocations among services to reserve funds for veterans, but are required to ensure that eligible covered persons are given priority over non-covered persons for all available services.

5. Any informational or service delivery website developed with funding from an impacted program or grant shall provide information on veterans' priority and how to access assistance via the nearest American Job Center network office in receiving priority service from any applicable program or grant.
6. Specific grant language on the veterans' priority shall be required in all grant agreements to ensure that grantees are fully aware of the law's requirements and of their obligation to design service delivery strategies accordingly. Funding recipients must include priority of service and its associated data collection and reporting requirements in all requests for proposals, solicitations for grant awards, sub-grants, contracts, sub-contracts, and (where feasible) memoranda of understanding, or other service provision agreements .

c) Screening Methods

Screening methods (in-person and electronic) will be utilized to determine veteran status. Priority of service for veterans and eligible spouses will be awarded based on self-attestation. Individuals are not required to produce evidence of service or service-connected disability.

1. Veteran status will be awarded electronically during the registration of job-seekers in NEworks, the state's integrated Management Information System (MIS). NEworks will automatically award veteran status when the job-seeker completes the registration process including answering the questions within the "Veteran Information" section of this application. An American flag icon will appear next to the job-seekers name if application is properly completed.
2. Job-seekers that visit or call American Job Center network offices will be evaluated during the initial assessment to determine if they meet the veteran requirements for priority of service. Veterans and eligible spouses will be further evaluated to determine if they meet the eligibility requirements to receive intensive services provided by a Disable Veterans' Outreach Program (DVOP) Specialist and/or other Career Center Staff in accordance with TEGL 19-13 and TEGL 20-13.

DVOP specialists and LVERs are an essential part of and fully integrated into the AJC network. They are included among the AJC partner staff, which consists of all staff employed by programs or activities operated by AJC partners listed in 29 U.S.C. 2841(b) that provide online and/or in-person workforce development or related support services as part of the workforce development system.

Disabled Veterans' Outreach Specialist (DVOP)

Under 38 U.S.C. 4103A(a), a DVOP specialist provides intensive services and facilitates placements to meet the employment needs of veterans, prioritizing service to special disabled veterans, other disabled veterans, and other categories of veterans in accordance with priorities determined by the Secretary of Labor (Secretary);

In accordance with TEGL 19-13, DVOPs are limited to providing services to the following veterans and eligible spouses:

- a. meet the definition of an individual with a Significant Barrier to Employment (SBE), specifically defined in bold, below paragraph (b), or
- b. are members of a veteran population identified by the Secretary under 38 U.S.C. 4103A(a)(1)(C) as eligible for DVOP services, as explained in separate guidance from DOL.

An eligible veteran or eligible spouse is determined to have a SBE if he or she attests to meeting at least one of the six criteria below:

1. A special disabled or disabled veteran, as those terms are defined in 38 U.S.C. 4211(1) and (3); Special disabled and disabled veterans are those:
 - a. Who are entitled to compensation (or who but for the receipt of military retire pay would be entitled to compensation) under laws administered by the Secretary of Veteran's Affairs; or,
 - b. Were discharged or released from active duty because of a service-connected disability;
2. Homeless, as defined in Section 103(a) of Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1130(a));
3. A recently separated service member, as defined in 38 U.S.C. 4211(6), who at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks.
4. An offender, as defined by WIA Section 101(27), who has been released from incarceration within the last 12 months;
5. Lacking a high school diploma or equivalent; or
6. Low-income (as defined by WIA at Sec. 101(25)(B)).

The determination of disability under the SBE definitions must be made solely on the basis of self-identification. [VPL 03-14]

Additionally, TEGL 20-13 identifies all veterans between the ages of 18 and 24 as a priority category to be served by DVOP specialists, including providing intensive services upon request.¹

Local Veterans' Employment Representative (LVER)

LVERs must perform only the duties outlined in 38 U.S.C. 4104(b), which are related to outreach to the employer community and facilitation within the state's employment service delivery system. Under 38 U.S.C. 4104(b), the LVER's principal duties are to: (1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and (2) facilitate employment, training, and

¹ As explained in 38 U.S.C. 4101(9), the "intensive services" provided by DVOP specialists are the "intensive services" defined in WIA Section 134(d)(3) (29 U.S.C. 2864(d)(3)). Under section 134(d), intensive services include: comprehensive and specialized assessments of skill levels and service needs; development of an individual employment plan to identify the employment goals, appropriate achievement objectives and appropriate combination of services for the participant to achieve the employment goals; group counseling; individual counseling and career planning; and short-term prevocational services that may include development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.

placement services furnished to veterans in a State under the applicable State employment service delivery systems.

Dislocated Worker Eligibility

According to TEGL 22-04, it is a United States Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation.”

The federal guidance also addresses the issue of a military spouse who leaves his/her job to follow his/her spouse. By definition, a military spouse is an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq or other combat-related areas is considered to be a military spouse.

When the spouse is unable to continue an employment relationship because of the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker. The military spouse must still meet the other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definitional requirements for a displaced homemaker as discussed in the Eligibility for Dislocated Workers policy.

Reporting and Documentation

The reporting requirements for priority of service have been approved and apply at two levels. First, all qualified job training programs are required to adopt the definitions for veterans and eligible spouses that appear in the regulations for their reporting on the services provided to veterans and eligible spouses and to non-covered persons. Second, those qualified job training programs that served, at the national level, an average of 1,000 or more veterans per year during the three most recent years of program operations, as specified in the background section of this policy, are required to implement additional reporting requirements for “covered entrants” (i.e., veterans and eligible spouses at the point of entry to the workforce system). [The SCSEP will begin collecting and reporting on covered entrants for Program Year 2009. For the other five programs that meet the size threshold, implementation of reporting on covered entrants is temporarily deferred.]

All information must be stored and managed in a manner that ensures confidentiality, and must adhere to the requirements of the state Record Retention Policy located at <http://www.dol.nebraska.gov/resources/dspresource.cfm?id=128>.

The Local Veterans' Employment Representative is available to assist local program staff in determining and documenting the eligibility of veterans (and some spouses). In addition, the LVER monitors the participation of veterans in federally funded employment and training programs, monitors federal agency listings of vacant positions with the local American Job Center affiliated office, reports any information regarding suspected failure to list openings

and/or provide required priority or other special consideration to the State Veterans Service Coordinator (SVSC).

Monitoring

Program operators are required to ensure that priority of service is applied throughout their respective service delivery systems, including service delivery points maintained by all sub-recipients. It is expected that program operators will monitor local service delivery operations to ensure that their internal policies and procedures result in compliance with the priority of service requirements.

ATTACHMENT A (as provided in TEGL 10-09)

Aspects of Workforce Programs That Relate to Priority of Service

This attachment identifies some aspects of workforce programs that are outside the direct scope of priority of service but that relate to the implementation of priority of service in an operational environment, including:

- Program eligibility and priority of service;
- Relevance of the Jobs for Veterans State Grants to priority of service;
- Exclusion of VA funded training from coordination with WIA training; and,
- Implications of priority of service for other workforce programs and processes.

These four topics are treated in the sections that follow.

1) PROGRAM ELIGIBILITY AND PRIORITY OF SERVICE

Two aspects of program eligibility relate to effective implementation of priority of service. The first is the exemption of military income from consideration in determining eligibility for those programs that have a statutory requirement to serve low-income individuals. The second is the verification of the status of veterans and eligible spouses that is required by some workforce programs as part of their eligibility determination and enrollment processes. Both aspects are treated below.

a) Exemption of Military Service-Related Income. Program operators responsible for programs that include income criteria in the eligibility rules or targeting policies (such as the WIA formula programs) should note that many types of income related to military service are not to be included when determining if a covered person meets “low income” eligibility standards or targeting policies. The WIA regulations (20 CFR 667.255) state, in accordance with 38 U.S. Code Part 4213, that “any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded when determining if a person is a ‘low-income individual’ for eligibility purposes.”

All pay and/or financial allowances earned while a veteran was on active duty are exempt. Title 38 U.S.C. 4213 also exempts from inclusion in “low income” calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code:

11. Compensation for service-connected disability or death.
13. Dependency and indemnity compensation for service-connected deaths.
30. All-volunteer force educational assistance program.
31. Training and rehabilitation for veterans with service-connected disabilities.
35. Survivors’ and dependents’ educational assistance.
36. Administration of educational benefits

Also excluded from “low income” calculations are benefits received under Chapter 106 of Title 10 U.S. Code, Educational assistance for members of the selected reserve.

In contrast to the various types of military income and benefits identified above that are exempt from inclusion in low-income calculations, certain other types of military-related income are not exempt. Specifically, pension payments authorized by Title 10 U.S. Code, such as those received by military retirees whether or not their retirement was based on disability, are not exempt and are to be included in “low income” calculations. Also not exempt are pension benefits paid under Chapter 15 of Title 38 U.S. Code.

b) Verification of the Status of Veterans and Eligible Spouses. As indicated in the guidance document, verification of status for veterans and eligible spouses is not required in order to provide priority of service. However, to the extent that the programs providing priority of service have their own requirements regarding verification of the status of veterans and eligible spouses, it is a matter that relates to the effective implementation of priority of service by those programs.

Accordingly, some preliminary guidance is provided below.

The status of a veteran or an eligible spouse can be verified by referring a variety of official documents, including, but not limited to:

- A DD 214 (issued following separation from active duty);
- An official notice issued by the Department of Veterans Affairs that establishes entitlement to a disability rating or award of compensation to a qualified dependent;
- An official notice issued by the Department of Defense that documents the eligibility of an individual, based on the missing or detained status of that individual's active duty spouse; or
- An official notice issued by a State veterans' service agency that documents veteran status or spousal rights, provided that the State veterans' service agency requires Federal documentation of that information.

To mitigate the burden of establishing proof of covered person status, States also may establish other means for verifying status, such as electronic communication with official databases, such as those maintained by State veterans' service agencies, provided that the organizations responsible for those sources can certify the accuracy of their records and have effective procedures for matching their records with the covered persons seeking services. As indicated in the

Preamble to the regulations, the Department intends to issue further guidance on this matter in the future.

2) RELEVANCE OF THE JOBS FOR VETERANS STATE GRANTS PROGRAM

The Veterans' Employment and Training Service (VETS) provides Jobs for Veterans State Grants (JVSG) to the States to support the program activities and services provided by the American Job Center network for veterans. The JVSG funds support the appointment and assignment of Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans Employment Representatives (LVERs). The definitions of veterans and “other eligible persons” applicable to services provided by DVOP and LVER staff are different from and narrower than those which are applicable within the priority of service “covered person” definition (e.g., for veterans other than those whose service time was limited by discharge due to disability, 181 days or more of active duty time is required). So, the universe of individuals eligible for services by the DVOP and LVER staff is a sub-set of the broader universe of individuals entitled to priority of service by the Jobs for Veterans Act.

Operators of programs subject to the priority of service regulations are strongly encouraged to establish effective linkages with the State JVSG program staff, for two-way referrals of individuals for services. Such linkages would be advantageous to the individuals in need of services, and also to the program operators. The JVSG program staff members perform case management services for veterans and other eligible persons who require intensive employability development services, and also focus on employer relations activities to develop jobs for veterans and other eligible persons. Another significant aspect of the JVSG program is the partnering of those specialists with the military services to provide transition services to men and women leaving active duty and returning to civilian life, and involvement in Reserve and National Guard units' de-activation activities when those personnel end their active duty stints and return to civilian life. Effective linkages between those veterans program specialists and all qualified job training programs subject to the priority of service requirements would help to achieve the underlying purpose of the priority of service requirements, by establishing effective means of outreach to a significant portion of the universe of covered persons, and communication of information about employment and training opportunities offered in local communities by qualified job training programs.

3) EXCLUSION OF VA FUNDED TRAINING FROM "OTHER GRANT ASSISTANCE" IN COORDINATION WITH WIA FUNDED TRAINING

Section 134(d)(4)(B) of WIA, as well as the WIA regulations at 20 CFR 663.310 refer to the requirement to coordinate WIA funded training with "other grant assistance," such as Pell grants. In some service delivery environments, these provisions have been interpreted to mean that veterans or spouses who are eligible for the GI Bill or other forms of VA funded education or training are required to coordinate their entitlement to those benefits with their eligibility for WIA funded training. In some circumstances, this has been further interpreted to mean that the VA funded training entitlement must be exhausted before the veteran or spouse can be enrolled in WIA funded training. VA benefits for education and training services clearly are not included in the statutory and regulatory category of "other grant assistance." Therefore, veterans and spouses are not required to coordinate their entitlement to those benefits with any concurrent eligibility that they may have for WIA funded training (and therefore, should not preclude them from receiving WIA funded services). Similarly, WIA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIA funded training.

4) IMPLICATIONS OF PRIORITY OF SERVICE FOR OTHER WORKFORCE PROGRAMS AND PROCESSES

Below are some of the programs and processes that are impacted by priority of service.

a) Unemployment Insurance Programs That Interface with Services. The Worker Profiling and Reemployment Services (WPRS) program and the Reemployment and Eligibility Assessments (REA) each apply specified criteria to identify certain categories of Unemployment Insurance (UI) claimants who are required to report in-person to a service delivery location, typically an American Job Center.

Claimants are directed to report to a specific location at a specific time and the failure to comply with the requirement to report as directed raises an issue on the claim, which must be resolved. This may lead to disqualification for an extended period or a determination of ineligibility for a shorter time. The intent of the requirement to report is to reinforce compliance with eligibility requirements including ability to work, availability for work and actively seeking work, and other requirements for eligibility.

Prior guidance applicable to WPRS referred to the requirement to report as a “referral.” That designation implied delivery of a service, which would result in the application of priority of service at this step of the call-in process. This guidance clarifies that, for both WPRS and the REAs, the requirement to report, including the written notice provided to claimants, is not considered to be a service and, therefore, priority of service does not apply at this point in the selection process. Policy guidance directs that both WPRS and REA claimants should be referred to services as appropriate, thus some claimants may receive reemployment services and others may not. This distinction is based both on the availability of reemployment services and on the needs of the claimant. This guidance clarifies that, upon reporting in-person to a service delivery location, those claimants required to report under WPRS or REA who are veterans or eligible spouses are entitled to priority of referral to available reemployment services or to any other qualified job training program for which they are eligible.

Priority of service applies to all referrals to any qualified job training program(s) for which a veteran or eligible spouse is eligible, regardless of the organizational affiliation or funding source of the staff members who come into contact with claimants who are veterans or eligible spouses at the service delivery location. In addition, upon referral to a qualified job training program, the priority of service requirement includes priority for enrollment in the program, as well as priority for participation in the full range of services available through the program.

b) American Job Center Services. Because the American Job Center network offers various types of services including staff-assisted services as well as guidance and materials, State and local boards must immediately assess their current operations for compliance purposes and improvement opportunities, if they have not already done so.

c) National Programs. National programs that statutorily target certain segments of the population must ensure the implementation of the principles outlined in this guidance in order to assure that the dual intentions of Congress - service to targeted population(s) and priority of service to veterans and eligible spouses - are simultaneously accomplished.

d) Self-Service Tools. Any informational or service delivery Web site developed with funding from a qualified job training program or grant will be expected to provide information on priority of service for veterans and eligible spouses, and how to access assistance from any applicable program or grant via the nearest One Stop Career Center. It is important to note that self-service instructions will be expected to go beyond mention of or referral to Local Veterans’ Employment representatives and Disabled Veterans’ Outreach Program specialists.