

## **SUBJECT: Priority of Service for Veterans and Eligible Spouses**

**Policy No: WFS-01**

**EFFECTIVE: 10/1/2010**

**REVISED: 10/10/2023**

### **Purpose**

To ensure that all service providers in WorkSource Columbia Basin (WSCB) and Tri-City (TC) Futures understand and implement the Veteran's Priority of Service and Eligibility requirements for covered veterans and their eligible spouses. The Benton-Franklin Workforce Development Council (BFWDC) clarifies and communicates point-of-entry requirements under priority of service.

This policy applies to "qualified" programs administered by Workforce Development Councils (WDCs) and by the Employment Security Department (ESD) that receive funding from the Department of Labor (DOL). They include, but are not limited to, Wagner-Peyser, the Trade Act, and the Workforce Innovation and Opportunity Act (WIOA).

### **Background**

On Dec. 19, 2008, DOL issued new regulations ([20 CFR 1010](#)) implementing the [Jobs for Veterans Act](#) (JVA 2002) and the Veterans' Benefits, Health Care, and Information Technology Act (2006).

1. Each "qualified" program is to provide priority of service for veterans and eligible spouses,
2. For purposes of implementing priority of service, the broad definition of "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 be used (38 U.S.C. 101(2)0); and
3. New requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (See [20 CFR 1010.300](#)):
  - Applicants to any "qualified" DOL programs and services must be able to learn about priority of service and indicate whether they are veterans, etc.,
  - Program staff must initiate data collection for any person claiming priority at point of entry, and
  - Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

## **Policy**

WSCB and TC Futures partners must comply with federal law, regulations, and guidance on priority of service, using the broad definition for veterans and eligible spouses ([20 CFR 1010.110](#)).

Priority of service entitles veterans or spouses precedence over eligible non-covered persons accessing services. The veteran or spouse is enrolled or provided services earlier than others waiting for the same assistance. If program and service resources are limited, then the veteran or spouse is given access instead of others.

**NOTE:** This does not mean the veteran or spouse is given “bumping rights” over those already enrolled and/or receiving services. Additionally, veterans and covered spouses must meet program eligibility before receiving priority into a program or service.

After meeting the eligibility requirement for the program, the veteran must be given priority over all non-veterans who also meet the requirement. Priorities set by federal statute are at the top of the hierarchy. Priority of service for veterans takes precedence over state and local level targeting.

## **Communication to Veterans and Eligible Spouses**

WSCB and TC Futures partners must notify customers accessing services of the veteran’s priority of service, whether through physical or online access. Veterans and eligible spouses must be able to indicate whether they are entitled to priority of service at their point of entry into the system to take advantage of this priority policy. Once identified, covered persons must be made aware of their entitlement to priority of service. In addition to allowing applicants to claim entitlement to priority, identified covered persons are to be given a menu of programs and services to which the entitlement applies and eligibility requirements for those programs.

## **Point of Entry Guidelines**

Point of entry is defined as the point of contact with the One-Stop system, in-person or virtually, whether a service is provided or not. It may include triage at the front end, as part of a program-specific application process, or any other method by which veterans and eligible spouses’ express interest in receiving services, in-person or virtually. It cannot only be at initial registration, as not all veterans and eligible spouses who touch the one-stop system reach that point.

All “qualified” programs must use the broad definitions for veterans and eligible spouses at the point of entry into programs. It is required for all providers to collect, retain, and report data following the Act, regulations, and DOL program guidance to be issued ([20 CFR 1010.320](#)). ETO or its successor will be the forum for all data collection. “Qualified” programs do not have to verify the status of a customer as a veteran or eligible spouse

at the point of entry unless they immediately undergo eligibility determination and enrollment into the program ([20 CFR 1010.300\(a\)](#)).

## **Data Collection and Training Requirements**

The BFWDC WorkSource System partners must ensure that the following programs collect and report data on covered entrants as defined below:

- 1) WIOA Title I Adult,
- 2) WIOA Title I Dislocated Worker
- 3) National Dislocated Worker Grants
- 4) WIOA Title III Wagner-Peyser Employment Service
- 5) Trade Adjustment Assistance
- 6) Senior Community Service Employment Program

All staff at WSCB and TC Futures shall receive training on priority of service and its documentation, as well as information on qualified programs to which the priority applies.

The Washington State Governor may sometimes determine a different priority of service for the WIOA Statewide (10%) Discretionary Grants/Contracts or other programs. Within those defined priorities from the Governor, the Veteran's Priority of Service and Eligibility still applies in that once qualified within a certain group of customers, the veteran receives priority.

## **Definitions**

**Qualified Job Training Program:** any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the Department of Labor.

**Covered Persons:** veterans or their eligible spouses.

**Covered Entrants:** covered persons at the point of entry into a program to receive services.

**Veteran:** a person who was in active military service and was discharged or released under conditions other than dishonorable, as specified in 38 USC 101(2). For clarification, a disabled veteran is one whose disability is permanent, and service connected. Active service also includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training.

**Eligible Spouse:** as defined in Section 2(a) of JVA (38 U.S. C. 4215(a) means the spouse of any of the following:

1. Any veteran who dies 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:
  - a. Missing in action,
  - b. Captured in line of duty by a hostile force; or
  - c. Forcibly detained or interned in 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,
4. Any veteran who died with a disability, as indicated in paragraph (3) of this section, was in existence.

### **References/Resources**

- [Washington State Policy #1009, Revision 3, Priority of Service for Veterans and Eligible Spouses](#)
- [Jobs for Veterans Act, Public Law \(Pub. L.\) 107-288 \(Nov. 7, 2002\)](#)
- [Veterans' Benefits, Health Care, and Information Technology Act \(Pub. L. 109-461\) \(Dec. 22, 2006\)](#)
- [Priority of Service for Covered Persons \(20 CFR 1010\) \(Dec. 19, 2008; Effective: Jan. 19, 2009\)](#)
- [Training and Employment Guidance Letter \(TEGL\) No. 10-09 \(Nov. 10, 2009\)](#)
- [Veterans Program Letter \(VPL\) No. 07-09 \(Nov. 10, 2009\)](#)