Long Beach Workforce Innovation Network

Policy: P-WIOA-VPS-1.C	Priority of Service for Veterans, Transitioning Service Members, and Eligible Spouses
	Effective Date: February 14, 2017 Revision: May 27, 2025 Approved By: Jaime Gutierrez, Executive Director

PURPOSE

This policy provides guidance regarding the Priority of Service requirement for Veterans, Transitioning Service Members, and Eligible Spouses. This policy applies to all recipients and subrecipients of Workforce Innovation and Opportunity Act (WIOA) Title I and Title III funding or any other grant funded in whole or in part by the U.S. Department of Labor (DOL).

BACKGROUND

Section 2(a) of the Jobs for Veteran's Act (JVA) mandates Priority of Service for veterans and eligible spouses who otherwise meet the eligibility requirements for participation in Department of Labor (DOL) programs. These requirements are for all qualified job training programs funded in whole or in part by the DOL. This includes but is not limited to the following: WIOA Title I and Title III, WIOA Title I Discretionary Grants, National Dislocated Worker Grants (NDWG), and the Jobs for Veterans State Grant (JVSG).

POLICY

Veterans and eligible spouses are identified at the point(s) of entry and given an opportunity to take full advantage of Priority of Service. LBWIN staff and its subrecipients must ensure that veterans, transitioning service members, and eligible spouses 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. This includes identifying veterans at the point(s) of entry and displaying the required Priority of Service signage (Attachment I).

Long Beach Workforce Innovation Network (LBWIN) and its subrecipients must ensure that written copies of local Priority of Service policies are maintained at all service delivery entry points and, to the extent practical, posted in a way that makes it possible for members of the public to easily access them.

LBWIB must ensure that Priority of Service is applied by all subrecipients of DOL. Since Priority of Service requirements cannot be waived, pertinent language should be included in contracts, subgrants, solicitations for proposal, memorandums of understanding, and other service provision agreements.

DEFINITIONS

The definitions listed below are for the purposes of implementing priority of service only. The definitions

of “veteran” and “eligible spouse” applicable to the priority of service requirement are different from, and broader than, than the definitions of “veteran” and “other eligible persons” applicable to services in the JVSG program provided by the Disabled Veterans’ Outreach Program (DVOP) Specialist, Local Veterans’ Employment Representative (LVER), and Consolidated Veterans’ Representative (CVR) staff.

Covered Person – An individual who meets the definition of veteran, or eligible spouse and as such, is eligible for Priority of Service.

Eligible Spouse – the spouse (including the same-sex spouse) of any of the following:

a) Any veteran who died of a service-connected disability.
b) Any member of the Armed Forces serving on active duty who, at the time of application for priority, is listed in one or more of the following categories for more than 90 days:
    i. Missing in action,
    ii. Captured in the line of duty by a hostile force.
    iii. Forcibly detained or interned in the line of duty by a foreign government or power.
c) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the U.S. Department of Veterans Affairs (VA).
d) Any veteran who died while a disability, as indicated in category c. of this definition, was in existence.

A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g., if a veteran with a total service-connected disability were to receive a revised disability rating at a lower level), or upon divorce from the veteran or service member. However, a spouse who qualifies under categories a. or d. would not lose covered status through subsequent remarriage.

Note: A surviving spouse who is a widow or widower AND remarries on or after December 16, 2003, AND on or after attaining age 57, is entitled to continue to receive Dependency and Indemnity Compensation.

Non-covered Person – any individual who neither meets the definition of veteran nor the definition of eligible spouse.

Point of Entry – the point at which a veteran or eligible spouse expresses an interest in receiving employment, training, and placement services. It may be in-person, online, or by telephone and can include physical locations such as reception areas, resource areas, and self-service kiosks, and informational bulletin boards in an America’s Job Center of California (AJCC), as well as websites such as CalJOBS and other virtual service delivery resources.

Priority of Service – with respect to any qualified job training program, 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. Such priority includes giving access to such services to a covered person earlier in time than a non- covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person. Covered

persons should be informed of the following:

- Their entitlement to Priority of Service
- The full array of employment, training, and placement services available under Priority of Service
- Any applicable eligibility requirements for those programs and/or services

Program Operator – a recipient or subrecipient at DOL funds for a qualified job training program.

Qualified Job Training Program – any program or service for workforce preparation, development, or delivery that is funded, in whole or in part by the DOL.

Recipient – an entity that is awarded federal financial assistance, in whole or in part, directly from the DOL or through a subaward for any qualified job training program.

Self-Attestation – When a participant states his or her status for a particular data element, such as status as a veteran, *transitioning service member*, or *eligible spouse*, and then signs and dates a form acknowledging his status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in CalJOBS, with an electronic signature (TEGL 23-19, Attachment II).

Service-Connected Disability- means with respect to disability or death that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty in active military, naval, air, or space service.

Subrecipient/subgrantee– an entity that is awarded federal financial assistance through a subaward funded by the DOL for any qualified job training program.

Total Disability – means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of a disabled person. 38 USC 3501 (8) A 100% disability rating from the VA indicates that a veteran is completely disabled (Source: 100% VA Disability Explained | Veterans Guide).

Transitioning Service Member – a person currently serving in the United States Military for military duties. Transitioning members of the Armed Forces who at the time of enrollment, have participated in the Transition Assistance Program (TAP) including self-paced online modules and individualized Initial Counseling, and have been identified as in need of intensive services (individualized career services).

Veteran – 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. Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. This definition includes Reserve units and National Guard units activated for Federal Service and does not include full-time active duty performed by National Guard personnel who are mobilized by State authorities.

Identifying Veterans, Transitioning Service Members, and Eligible Spouses

LBWIN and its subrecipients are responsible for ensuring veterans and eligible spouses are properly

identified as covered persons at the point of entry. LBWIN and its subrecipients must enable veterans, transitioning service members, and eligible spouses to self-identify at any point of entry so that they may take full advantage of Priority of Service and to be informed of the full range of services available to them. Points of entry include physical locations such as AJCCs, as well as websites such as CalJOBS, the telephone, and other virtual service delivery resources. Visible Priority of Service signage is required where individuals physically access points of entry such as an AJCC, per TEN 15-10 (Attachment 1).

Veterans or transitioning service members may be identified in any of the following ways:

- Prominent Priority of Service signage (Attachment 1) that encourages veterans, eligible spouses, and transitioning service members to self-identify as a veteran/transitioning service member.
- Ensuring that front desk staff or other first points of contact ask individuals at the point of entry, regardless of gender, if he or she, or his or her spouse, is currently serving, or has ever served, in the United States Military.
- Ensuring that when front desk staff or other first points of contact review a Driver's License or ID Card, they look to see if the word VETERAN is displayed on their Driver's License or ID Card, if a veteran does not self-identify at the point of entry.
- Electronic kiosk intake systems that allow the individual to self-identify as a veteran, eligible spouse, or transitioning service member.
- Staff review of the individual's military service section of CalJOBS as veterans are identified in CalJOBS by an American Flag icon.
- In the event a veteran self-identifies at the time of registration in CalJOBS, a pop-up window in CalJOBS informs the veteran of the Priority of Service policy and identifies the "Office Nearest You" (the closest AJCC location) based on the veteran's zip code. Asking if the individual has completed their registration in CalJOBS, will help ensure that veterans and eligible spouses are identified, and immediately informed of Priority of Service at the point of entry and given an opportunity to take full advantage of Priority of Service.

Written copies of Priority of Service policies should be maintained at all service delivery entry points and, to the extent practical, should be posted in a way that makes it possible for members of the general public to easily access them.

When identifying veterans and eligible spouses, LBWIN and it's subrecipients must ensure that veteran and eligible spouses are made aware of the following:

• The entitlement to Priority of Service
• The full array of employment, training and placement services available
• Applicable eligibility requirements for programs and services
• In cases of virtual points of entry, how to access assistance via the nearest AJCC or in-person program service location.

PRIORITY OF SERVICE

LBWIN and its subrecipients are required to provide priority of service to veterans, transitioning service members, and eligible spouses who receive services under any qualified job training program funded in whole or in part by the DOL, including all WIOA, WIOA discretionary, Wagner-Peyser, JVSG funded

activities, and technology-assisted activities. Veterans, transitioning service members, and eligible spouses are entitled to Priority of Service under any qualified job training program if they otherwise meet the eligibility requirements for participation in the program. Priority of Service means that veterans, transitioning service members, and eligible spouses are entitled to take precedence over noncovered persons in obtaining employment, training, and placement services. More specifically, a veteran, a transitioning service member, or an eligible spouse either receives access to a service earlier in time than a non-covered person or, if the resource is limited, they receive access to the service instead of or before the non-covered person.

Priority of Service is not intended to allow a veteran, transitioning service member, or eligible spouse to bump the non-covered participant who is already enrolled in a workshop or training class from that workshop or training class.

Real-world examples of how Priority of Service may be provided can include, but is not limited to the following examples:

- Exclusive access to CalJOBS job listings for the first 24 hours a job is posted
- If a resource room is at capacity and a waiting list is established, a veteran will move to the top of the waiting list for the next available computer.
- If slots in a training are limited and there are eligible veteran and non-veteran participants that are interested in enrolling, the veteran would receive priority over the non-veteran for available slots. The veteran would not "bump" anyone that has already taken a slot but would move to the top of any waiting lists over non-covered person.

APPLYING PRIORITY OF SERVICE

The application of priority of service varies depending on the eligibility requirements of the particular program. There are two basic categories of DOL-funded programs: universal access programs and programs that require participants to meet specified eligibility criteria. The following describes how Priority of Service applies to these basic types of programs.

Universal Access Programs

For workforce programs that operate or deliver services to the public without targeting specific groups, veterans, transitioning service members, and eligible spouses assessed at the point of entry that meet all the eligibility requirements of the program receive Priority of Service over all other program participants. WIOA basic career services would be considered a universal access program.

Programs with Eligibility Criteria

Eligibility criteria identify basic conditions that each participant in a specific program is required to meet. For example, for the WIOA Adult, Dislocated Worker, and Youth programs, every participant is required to meet program eligibility requirements (e.g., age, selective service registration, etc.). A veteran or eligible spouse must first meet all of the eligibility criteria in order to be considered eligible for participation in the program. Once determined eligible for participation, the veteran or eligible spouse receives priority for participation in the program and receipt of services.

WIOA 15% Governor's discretionary grants with specific eligibility criteria will also fall under this category,

with the eligibility criteria set by the Solicitation for Proposals (SFP). Examples of this type of grant may include those that specifically fund services to individuals with disabilities, English Language Learners, farmworkers, opportunity young adults, etc. National Dislocated Worker Grants (NDWGs) also fall into this category, with eligibility criteria set by the applicable TEGL for each award.

In addition to eligibility criteria, some programs may also have priorities that establish a rank order of priority including programs with statutory priorities and programs with discretionary priorities.

Programs with Statutory Priorities

In addition to the eligibility criteria that all participants are required to meet, some programs have priorities that target certain populations (e.g., the WIOA priority for Adult funds to serve recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient) and establish a rank order for enrolling or serving participants. While veterans' priority is required under federal law and cannot be waived, it is not intended to displace existing eligibility requirements and statutory priorities. Therefore, in these instances, veterans and eligible spouses must first meet both the program's eligibility and statutory priority criteria to receive priority for participation in the program and receipt of services. Staff must determine the status of each individual veteran or eligible spouse and apply priority of service in the following order:

1. Veterans, transitioning service members, and eligible spouses who meet the program's statutory priority requirement.
2. Eligible non-covered persons (not veterans or eligible spouses) who are recipients of public assistance, low-income or basic skills deficient.
3. Veterans, transitioning service members, and eligible spouses who are not recipients of public assistance, low-income or basic skills deficient.
4. Other priority populations identified by the Governor or Local Board for priority.
5. Eligible non-covered persons who do not meet any of the priority groups.

An example of a program with statutory priorities is WIOA Adult formula funds, which establishes the priority to serve recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. This means that veterans, transitioning service members, and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient receive first-priority for services with WIOA Adult formula funds for individualized career services and training services.

Programs with Discretionary Priorities

Programs with discretionary priorities may make an effort to provide a certain level of service to a particular group. However, WIOA law does not mandate that the target group be served before other eligible individuals. 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 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 programs, i.e., veterans and eligible spouses first. Programs with discretionary priorities must apply Priority of Service in the order below:

1. Veterans, transitioning service members, and eligible spouses who meet the discretionary target group.
2. Veterans, transitioning service members, and eligible spouses outside the discretionary targeting group.
3. Non-covered persons within the discretionary targeting group.
4. Non-covered persons outside the discretionary targeting group.

This applies to any WIOA program where the Governor, Local Board, or other WIOA-funded Program Operator determines discretionary priorities above and beyond WIOA statutory requirements or eligibility criteria for the funding source.

Income Eligibility Requirements

When determining eligibility for programs that have a statutory requirement to serve low-income individuals, many types of military service-related income are exempt. Specifically, veterans, transitioning service members, or any other individuals for whom these amounts would normally be applied in making an eligibility determination must disregard the following pay, financial allowances, and financial benefits.

- Military pay or allowances paid while on active duty.
- Military pay or allowances paid by the VA for vocational rehabilitation, disability payments, or related VA-funded programs (including the VA work study allowance), and including any financial benefits received under the following chapters of Title 38 U.S.C.:
    - Chapter 11 - Compensation for service-connected disability or death.
    - Chapter 13 - Dependency and indemnity compensation for service-connected deaths.
    - Chapter 30 - All-volunteer force educational assistance program.
    - Chapter 31 - Training and rehabilitation for veterans with service-connected disabilities.
    - Chapter 33 – Post-9/11 educational assistance.
    - Chapter 35 - Survivors' and dependents' educational assistance.
    - Chapter 36 - Administration of educational benefits.

Any benefits received under Title 10 U.S.C. Chapter 106 - Educational assistance for members of the selected reserve.

In contrast, the following types of military-related income are included in low-income calculations:

- Pension payments authorized by Title 10 U.S.C., such as those received by military retirees, whether or not their retirement was based on disability.
- Pension benefits paid under Title 38 U.S.C. Chapter 15 – Pensions for low-income, wartime veterans who are disabled for reasons not connected or related to their military service.

It is also important to note that VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, veterans or eligible spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training, as stipulated under 20 CFR Section 680.230. Specifically, program operators may not require veterans or eligible spouses to exhaust their entitlement to VA- funded training prior to enrolling them in WIOA-funded training.

Note – The latest low income guidelines can be found on the Federal Lower Living Standard Income Level and Poverty Guidelines (ca.gov) webpage.

DOCUMENTING ELIGIBILITY OF PRIORITY OF SERVICE

It is not necessary to verify the status of a veteran, transitioning service member, or eligible spouse until the individual undergoes eligibility determination and is enrolled in an individualized career service or training service. Until the point at which an individual receives an individualized career service or training service, an individual who states they meet the veteran's priority eligibility criteria must be accorded veteran's Priority of Service based on verbal self-identification.

In those instances, in which eligibility determination and enrollment in a WIOA individualized career service occur at the point of entry, a covered person must be enrolled, provided immediate priority, and permitted to follow-up subsequently with any required verification of the individual's status as a covered person. In the absence of other documentation, a self-attestation should be documented either via a paper or in CalJOBS.

REFERENCES

- WIOA (Public Law 113-128) Sections 3(5), 3(36), and 3(50), and 134
- Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461)
- Jobs for Veterans Act (JVA) of 2002 (Public Law 107-288)
- Title 38 *United States Code* (U.S.C.) Sections 101(2), 3106, 3501(8), 4103A (a)(1), 4211, 4213, and 4215(a), and Chapters 11, 13, 15, 30-31, 33, and 35-36.
- Title 20 Code of Federal Regulations (CFR) Part 1010: "Priority of Service for Covered Persons"
- Title 20 CFR Sections 680.600, 680.650, and 683.230
- Training and Employment Guidance Letter (TEGL) 07-20, Subject: *Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act (WIOA) Adult Program* (November 24, 2020)
- TEGL 19-16, Subject: *Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services, as amended by Title III of WIOA, and for implementation of the WIOA Final Rules* (March 1, 2017)
- TEGL 26-13, Subject: *Impact of the U.S. Supreme Court's Decision in United States v. Windsor on Eligibility and Services Provided Under Workforce Grants Administered by the Employment and Training Administration* (June 18, 2014)
- TEGL 10-09, Subject: Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by DOL (November 10, 2009)
- Training and Employment Notice (TEN) 15-10, *Protocol for Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or part by the U.S. Department of Labor* (November 10, 2010)
- Veterans' Program Letter (VPL) 05-24, *Jobs for Veterans State Grants Staff roles and Responsibilities and Coordination with Workforce Innovation and Opportunity Act Services to Veterans*, (April 25, 2024)
- VPL 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)

- National Veterans Training Institute (NVTI) *Priority of Service for Grantees* video training, Victor Glover and John Savage, presenters (July 14, 2022)
- California Employment Development Department Resources for Veterans
- Workforce Services Directive WSD24-06, WIOA Adult Program Priority of Service (November 8, 2024)
- Workforce Services Directive WSD24-15, Priority of Service for Veterans and Eligible Spouses (February 14, 2024)

INQUIRIES

For questions or assistance related to the policy, please contact Long Beach Workforce Innovation Network staff at (562) 570-3748.

ATTACHMENT(S)

- Priority of Service poster