

Policy Number: 2019-0724.0-PSP

Effective Date

This policy shall be in effect immediately upon passage.

Guidelines

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 the Department of Labor, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Innovation and Opportunity Act (WIOA), Senior Community Service Employment Program, Indian and Native American Programs, Migrant and Seasonal Farmworkers, Workforce Innovation in Regional Economic Development Competitive Grants, and National Emergency Grants.

Purpose

The purpose of the Priority of Service Policy is to outline requirements for the implementation of priority of service to adults and veterans and eligible spouses for all Department of Labor (DOL) funded training programs.

Priority for Adult and Dislocated Worker Funds

Background

The Workforce Innovation and Opportunity Act (WIOA) is designed to provide employment and training opportunities to those who can benefit from, and who need such opportunities. Training services can be critical to the employment success of many adults and dislocated workers. As there is no sequence of services, WIOA staff may determine training services are appropriate, regardless of whether the individual has received basic or individualized career services first.

Section 134(c) (3) (E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, one-stop center staff responsible for these funds must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient in the provision of individualized career services, discussed in Section 4 of TEGL 3-15, and training services, discussed in Section 7.

Priority of Service Policy

Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

- First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.
- Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.
- Third, to veterans and eligible spouses who are not included in WIOA's priority groups.
- Last, to non-covered persons outside the groups given priority under WIOA.

Priority of Service for Veterans

Background

As outlined in the Jobs for Veterans Act (JVA), Public Law 107-288, recipients of DOL funds for qualified job training programs are required to provide priority of service to qualifying veterans. The State of Ohio Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) 15-20.2 dated May 6, 2019 states that each local area is required to develop a priority of service policy for veterans and eligible spouses.

Definitions

The following definitions for Eligible Spouse and Eligible Veteran are included to provide clarity to the individuals primarily covered under this policy. A comprehensive list of definitions can be found in the State of Ohio WIOAPL 15-20.2.

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

- I. The spouse of any person who died of a service-connected disability.
- II. 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
- III. 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 was so evaluated was in existence.

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

- I. Served on active duty for a period of more than 180 days and was discharged (or) released with other than a dishonorable discharge;
- II. Was discharged or released from active duty because of a service-connected disability; or

- III. 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.

Procedures

Determination of Veteran Status

OhioMeansJobs Lucas County and Workforce Area 9 will use the following process as outlined in WIOAPL 15-02.2 for determining Veteran Status.

1. Covered person with significant barrier to employment

During the initial intake processes with a customer, staff shall further explore the covered person's veteran status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment using the JFS 01863, Veteran Questionnaire (Attachment A). A covered person is determined to have a significant barrier to employment if he or she attests to meeting one or more of the following criteria:

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

If the covered person has at least one significant barrier to employment and meets the definition of eligible veteran or eligible spouse for the Jobs for Veterans State Grant (JVSG) program, the OhioMeansJobs center staff shall refer this individual to the JVSG program.

OhioMeansJobs center staff shall also refer an eligible veteran age 18 to 24 years to the JVSG program as this population of veterans has experienced a higher rate of unemployment than other veterans as well as nonveterans of the same age. These eligible veterans may need and benefit from the intensive services provided by a DVOP specialist.

2. Transitioning Service Member

The Veterans' Employment and Training Service has also identified the following three categories of transitioning service members as eligible to receive JVSG services and a referral shall be made:

- a. Transitioning service members who are age 18 to 24 years old.

- b. Transitioning service members who have been identified as in need of intensive services because they were assessed as not meeting career readiness standards as documented on the DD-2958, Service Member Career Readiness Standards/Individual Transition Plan.
- c. Active duty service members being involuntarily separated through a service reduction-in-force.

3. Wounded, Ill, or Injured Service Member

Additionally, members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members are to be referred to the JVSG program.

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.

Referral to the Jobs for Veterans State Grant (JVSG) Program

As also specified in WIOAPL 15-02.2, if the individual meets the definition of eligible veteran for the JVSG program or is an eligible spouse, has at least one significant barrier to employment, or is aged 18 to 24 years, the OhioMeansJobs center staff shall refer this covered person to the JVSG program. A covered person should also be referred to the JVSG program if the covered person is later, after further assessment, determined by OhioMeansJobs center staff to have a significant barrier to employment.

Furthermore, transitioning service members who are 18 to 24 years old or who have been identified as needing intensive services on the DD-2958, or active duty service members being involuntarily separated through a service reduction-in-force will be referred to the JVSG program. Referrals to the JVSG program will also be made for those members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units or the spouses or other family caregivers of such wounded, ill, or injured members.

JVSG participants later found to be dishonorably discharged from the military must be referred back to the OhioMeansJobs center for further Wagner-Peyser Employment Services and/or WIOA basic career, individualized career, and/or training services. These individuals do not qualify for priority of service.