

# EMPLOY MILWAUKEE POLICY

EMPLOY MILWAUKEE POLICY: POLICY 19-02



SUBJECT: VETERANS AND ELIGIBLE SPOUSES PRIORITY OF SERVICE POLICY

## POLICY SCOPE:

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|---|--|
| <input checked="" type="checkbox"/> WIOA TITLE I-B PROGRAM(S) | <input checked="" type="checkbox"/> AMERICAN JOB CENTER SYSTEM                   |
| <input checked="" type="checkbox"/> ADULT PROGRAM             | <input checked="" type="checkbox"/> OTHER EMPLOY MILWAUKEE-ADMINISTERED PROGRAMS |
| <input checked="" type="checkbox"/> DISLOCATED WORKER PROGRAM | <input type="checkbox"/> AGENCY-WIDE   |
| <input checked="" type="checkbox"/> YOUTH PROGRAM             |  |

EFFECTIVE DATE: SEPTEMBER 16, 2019

## REFERENCES:

- 29 USC 3101, Workforce Innovation and Opportunity Act (WIOA), §122 and 134
- 38 USC 101(2), Veterans Benefits, §101 and 4215
- 20 CFR §680.650 and 680.600
- United States Department of Labor Training and Employment Guidance Letters (TEGLs) 10-09, WIOA 03-15, and WIOA 19-16
- Wisconsin WIOA Titles I-A and I-B Policy and Procedure Manual Chapter 8.3.2: Priority of Service

## I. BACKGROUND

The federal Jobs for Veterans Act (JVA) establishes a priority of service requirement for covered persons in qualified job training programs. Recipients of US Department of Labor (DOL) funds for qualified job training programs are required by law to provide priority of service to veterans and eligible spouses.

## II. PURPOSE

Employ Milwaukee Policy 19-02: Veterans and Eligible Spouses Priority of Service describes the process through which the agency safeguards the right of veterans and eligible spouses to take precedence over persons with lower priority in obtaining employment and training services for all programs that receives some or all funding from DOL, exclusive of the WIOA Adult Program which has additional requirements addressed in an additional and separate Priority of Service Policy. The persons with priority “receive access to a service earlier in time than a person with lower priority or, if the resource is limited, receives access to the service instead of the person with lower priority. Priority is not part of the eligibility determination for any program; rather, it is meant to emphasize access to individualized career and training services for these higher-need populations” (WI WIOA Policy 8.3.2.3).

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### III. POLICY

#### A. DEFINITIONS

1. **“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. (WI WIOA Policy 8.3.2.3)
2. **“Active military service”** includes full-time federal service in the National Guard or a reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes (which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by state rather than federal authorities (usually in response to events such as natural disasters). (WI WIOA Policy 8.3.2.3)
3. **“Eligible spouse”** means the spouse of any of the following individuals:
  - a. A veteran who died of a service-connected disability;
  - b. an active member of the U.S. Armed Forces who, at the time of the priority determination, is missing in action, has been captured in the line of duty by a hostile force, or is being forcibly detained or interned by a foreign government or power for at least 90 days;
  - c. a veteran who has been evaluated by the Department of Veterans Affairs as having a total disability resulting from service; or
  - d. a veteran who died while a disability was in existence. (WI WIOA Policy 8.3.2.3)

In accordance with US DOL TEGL 10-09 and WI WIOA Policy 8.3.2.3, “a spouse can lose his/her priority if a living veteran or service member loses the status that was the basis for the priority of service determination (e.g. a veteran with a total service-connected disability receives a revised disability rating at a lower level or the couple divorces). Remarriage of a widowed spouse does not cause any loss of eligibility.”

4. **“Covered person”** means a veteran or eligible spouse as defined above. (38 U.S.C. 4215[a])
5. **“Qualified job training program”** means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:
  - a. Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services);
  - b. Any such program or service under the public employment service system, one-stop career centers, the Workforce Innovation and Opportunity Act of 2014, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor; or
  - c. Any such program or service that is a workforce development program targeted to specific groups. (38 U.S.C. 4215[a])
6. **“Priority of service”** means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law. (38 U.S.C. 4215[a])

### IV. PROCEDURES

#### A. ASSESSMENT OF PRIORITY OF SERVICE STATUS

Priority of service must be assessed at the time of eligibility determination. Applicants and participants must be informed if they are to receive priority.

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If, during program participation or while waiting for services if an applicant has been placed on a waitlist, the career planner learns of changes in an individual's status that allow him/her to receive a priority of service, s/he must be given priority. Once a priority level has been assigned, participants cannot move to a lower priority level during a program episode, unless an eligible spouse loses priority for the purposes outlined in Section III.A.3. of this policy. Priority levels must be reassessed at the beginning of each new program episode.

#### B. NOTIFICATION OF APPLICABLE POLICY

All applicants to covered programs must receive a copy of this policy at the time of application and must sign the Employ Milwaukee Veterans and Eligible Spouses Priority of Service Acknowledgement and Verification Form. A signed copy of the form must be maintained in the paper file of every applicant.

Individuals who meet the requirements to receive a priority of service must provide required documentation as specified on the form. The Career Planner must verify that documentation and sign the form in all instances when a priority of service is provided.

#### C. SPECIAL REQUIREMENTS FOR WIOA TITLE I PROGRAMS

Veterans and eligible spouses of veterans receive priority of service in all WIOA Title I programs for all program services.

The WIOA Adult Program has additional, federally-required tiers of priority that apply to applicants and participants. Employ Milwaukee Administrative Memo 19-04: WIOA Adult Program Priority of Service outlines the agency's adoption of the state's WIOA Adult Program Priority of Service standards.

A case note regarding the priority of service status for all WIOA program applicants must be entered in ASSET, as required by WI WIOA Policy 8.3.2.4.

#### D. COMPLIANCE

Employ Milwaukee ensures compliance of all applicable programs with the requirements in this policy through the following:

- Reviewing registration packets to verify that priority of service was assessed, identified and documented properly.
- Verifying that a signed Veteran and Eligible Spouses Priority of Service Acknowledgement and Verification Form is included in files of applicants and participants selected for file review and/or monitoring.
- Provides training on the policy at meetings for covered program staff at a minimum of once a year.

## V. ACTION REQUIRED

Employ Milwaukee's Chief Program Officer shall disseminate this policy with staff, service providers and all other contractors providing services through applicable programs immediately.

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**REVISIONS:** EMPLOY MILWAUKEE VETERANS PRIORITY OF SERVICE POLICY

**BOARD APPROVAL DATE:** AUGUST 29, 2019 [EXECUTIVE COMMITTEE]

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