



Ohio Valley Employment Resource
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Workforce Innovation and Opportunity Act OVER Policy Letter No. 15-20.1 (Priority of Service for Veterans, Eligible Spouses and Family Caregivers)

I. Purpose

To outline requirements for the local area and all its OhioMeansJobs centers for implementation of priority of service to veterans, eligible spouses and family caregivers for all DOL funded training programs.

II. Effective Date with WDB and COG motion #s

6-19-17; COG motion 32-16; WDB motion 30-16

III. Background

Recipients of DOL funds for qualified job training programs have been required to provide priority of service since 2002 as outlined in the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288. The publication of 20 C.F.R. Part 1010, Priority of Service for Covered Persons; Final Rule, which took effect on January 19, 2009 declares that recipients of DOL funds for these job training programs should review and, if necessary, enhance their current policies and procedures to ensure that acceptable protocols are in place. The Workforce Innovation and Opportunity Act Policy Letter No. 15-20 dated December 21, 2015 states, each local area is required to develop a priority of service policy.

IV. Definitions

Definitions can be found in WIOAPL No. 15-20.1

V. Requirements

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 DOL, including Wagner-Peyser, Trade Adjustment Assistance (TAA), Workforce Investment Act, 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.

Procedures

Individuals entering all local OhioMeansJobs centers are identified at the point of entry upon completing registration.

Utilizing the Veteran Questionnaire (JFS Form 01863), an individual who is identified as a veteran or covered person will be referred through the designated workflow identified in the attached flowchart. The Veteran Questionnaire also gives permission for staff and OhioMeansJobs (OMJ) partners to exchange and disclose necessary information in order for services to be provided by all programs being administered by OMJ and/or other partners.

During the intake process, designated staff will further explore the covered person's veterans status (e.g., number of days served and discharge status) and assess whether or not the covered person has a significant barrier to employment. If the covered person has at least one of the identified barriers to employment

1. A special disabled or disabled veteran (or an individual who has a disability claim pending with the Department of Veterans Affairs (VA));
2. A homeless individual;
3. A recently-separated service member who has been unemployed for 27 or more weeks in the previous 12 months;
4. An offender who is currently incarcerated or has been released from incarceration;
5. An individual lacking a high school diploma or equivalent certificate; or
6. A low income individual.

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.

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:

1. Transitioning service members who are age 18 to 24 years old.
2. 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.
3. Active duty service members being involuntarily separated through a service reduction-in-force.

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 services 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

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.

Within the JVSG program, the DVOP specialist will provide intensive services to mitigate significant barriers to employment and transition these individuals into the civilian workforce. The DVOP specialist also coordinates with the ODJFS workforce specialists to match covered persons with job opportunities.

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.

Documenting Veteran Status

It is not necessary for OhioMeansJobs center staff to require verification of the status of a covered person at the point of entry, unless the individual who self-identifies as a veteran or eligible spouse:

1. Is to immediately undergo eligibility determination and be registered or enrolled in a program; and

2. Is registering or enrolling in a program for which the applicable federal program rules require verification of veteran or eligible spouse status at that time.

Even in those instances in which eligibility determination and enrollment occur at the point of entry, a covered person must be enrolled, be provided immediate priority, and be permitted to follow-up subsequently with any required verification of his or her status as a covered person.

For programs or services that cannot rely on self-attestation, verification of veteran status (e.g., DD-214, cross match with veterans' data, or letter from Veteran Administration) must be provided prior to the provision of intensive services or the commitment to training services.

For a referral to the JVSG program, documentation of the significant barrier to service is preferred. However, customers may qualify through self-attestation. A self-attestation checklist identifying the significant barriers may be added as part of the intake or assessment process. Any written questionnaire used for identifying a significant barrier must make clear that the information requested is intended for use solely in connection with efforts to give priority to persons with disabilities. If written questionnaires are not used, this information must be made clear orally. The OhioMeansJobs center staff seeking the information must state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide the information will not subject the applicant or participant to any adverse treatment, and that it will be used only in accordance with law.

Priority of Service for Programs

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:

1. **Universal access programs:** For workforce programs that operate or deliver services to the public as a whole without targeting specific groups, veterans and eligible spouses must receive priority of service over all other program participants (e.g., basic career services delivered through the OhioMeansJobs centers under Wagner-Peyser and WIOA programs).
2. **Programs with Eligibility Criteria:** Eligibility criteria identify basic conditions that each and every participant in a specific program is required to meet. Veterans and eligible spouses 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 of receipt of services.

When a program has statutory eligibility requirements, priority means that covered persons take precedence, with all other qualifying eligibility requirements being equal, over non-covered persons in obtaining services and program enrollment.

Programs with Statutory Priorities

In addition to 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.

Priority for WIOA adult-funded individualized career and training services is given to low-income individuals, recipients of public assistance, and individuals who are basic skills deficient. When determining if a veteran or eligible spouse is a "low income individual" for eligibility purposes, amounts paid while on active duty or paid by the Department of Veteran Affairs (VA) for vocational rehabilitation, disability, or related VA-funded programs are not to be considered as income. A low income veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a low income non-covered person in obtaining individualized career services and training services.

This does not allow for "bumping" of non-covered persons who had previously been accepted into a program prior to the covered person applying within the same program. However, if there is a waiting list, the veterans or eligible spouses receive access to the service instead of or before the non-covered person on the waiting list.

Programs with Discretionary Priorities

The local area may not apply additional arbitrary or discretionary conditions or requirements above the program's statutory mandated eligibility requirements to priority of service rights. Therefore, for covered persons, 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 are served first).

Priority of Service for Programs Administered by State Merit Staff

For DOL funded employment and training programs administered by state merit staff (i.e., TAA, REA, UCRS), eligibility for priority of service should be determined at the initiation of services or upon referral of services, whichever occurs first.

VI. Monitoring

The Ohio Department of Jobs and Family Services Veteran Program Managers, and the local OMJ Operator shares monitoring responsibilities through regular OMJ partner meetings. Monitoring responsibilities include a review of the implementation of internal policies and procedures and how they are in compliance with the priority of service requirements. All OhioMeansJobs Center staff receive in-service training on the implementation of priority of service for veterans and eligible spouses.

VII. Technical Assistance

At the county level, it is the county's discretion to contact the state directly or to start with the Area Executive Director. However, regardless of choice, the

Area Executive Director must be consulted, whether directly or by cc: on email, so that the WDB is informed and engaged in local implementation.

VIII. References

See state policy

IX. Rescission

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