

*Are you a Veteran, or spouse of an
eligible Veteran?*

**Please make sure that this information
is recorded as a part of your
application.**



You may be eligible for
priority of service,
under Recovery Act funding.

**NIAGARA COUNTY WORKFORCE INVESTMENT BOARD
POLICY ISSUANCE**

TO: All One-Stop Career Center Staff and Providers

SUBJECT: Veterans Priority of Service

ISSUANCE DATE: updated 09/16/2009

EFFECTIVE DATE: 09/16/2009

EXPIRATION DATE: 09/30/2010

Purpose: The purpose of this policy is to implement veterans' priority of service as mandated in Federal regulation (Final Rule, 20CFR Part 1010) that went into effect on January 19, 2009.

Background: The Jobs for Veterans Act, enacted into Public Law 107-288 on November 7, 2002 made a number of amendments to encourage military veterans' access to services within an integrated one-stop service delivery system. One such amendment creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs. As mandated in Federal regulation, One-Stop Career Centers are required to implement priority of service and will need to have clear strategies for providing veterans and eligible spouses of veterans with quality service at every phase of services offered.

Policy: The Niagara Workforce Investment Board provides clear direction to successfully ensure priority of service is provided to Veterans. Service shall be conducted in the following manner:

The definition of a veteran, eligible veteran, covered person, eligible spouse, qualified job training program.

Definitions provided in the federal TEGl and NYSDOL Technical Advisories are used to define the persons covered by this policy.

Veteran:

Under the Final Rule, a veteran is defined as "a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable." This is essentially the same as the WIA definition found in WIA Law at Section 101(49). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.

Eligible Veteran:

This definition to be applied for the purposes of the priority differs from and is broader than the definition of "eligible veteran," which is applied under Veterans and Wagner-Peyser grant programs. Under Title 38, United States Code Section 4211, the term "eligible veteran" means a person who – (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge; (B) was discharged or released from active duty because of a service-connected disability; or (C) as a member of a reserve component under an order

to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty.

It is very important that the distinction between the two definitions is understood and applied correctly. USDOL is bound by law to use the “Final Rule” definition as it was the intent of Congress that priority of service be made available to a broad category of former service members. However, the definition of veteran to be applied for the purposes of the priority does not alter the statutory reporting requirements for Wagner-Peyser and Veteran Grants, which require application of the more narrowly defined definition of eligible veteran. In other words, a veterans’ priority is not intended to displace the core mission of any particular program.

Covered Person:

As defined in the Final Rule, a covered person means a veteran or eligible spouse of a veteran.

Eligible Spouse:

Under Title 38, United States Code Section 4215(a), the term “eligible spouse” means – (A) the spouse of any person who died of a service-connected disability; (B) the spouse of 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 ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or (C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability; or (D) the spouse of a veteran who died while a disability so evaluated was in existence.

USDOL provides additional clarification for “A” and “D” above by indicating that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under “B” and “C” above, eligibility for priority of service is terminated.

It is further understood that the JVA does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

Qualified Job Training Program:

Priority of service applies to any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by the USDOL (see Attachment B). The USDOL does not have the authority to impose priority of service on programs funded by non-USDOL sources. However, NYSDOL encourages all partners of One-Stop Centers to focus on providing services