



Mark Sanford
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Joe E. Taylor, Jr.
Secretary

STATE WIA INSTRUCTION NUMBER: WIA 08-06

TO: Local Workforce Investment Areas (LWIAs)

SUBJECT: Priority of Service for Veterans and Spouses

ISSUANCE DATE: May 26, 2009

EFFECTIVE DATE: Immediately

PURPOSE: To inform local Workforce Investment Areas of the final rule for veterans' priority of service in qualified job training programs prescribed in the "Jobs for Veterans Act" and to provide guidance as to the implementation of these provisions.

REFERENCES: "Jobs for Veterans Act" (Pub. L. 107-288); Training and Employment Guidance Letter No. 5-03 (issued September 16, 2003); 20 Code of Federal Regulations (CFR) Part 1010 Priority of Service for Covered Persons, Final Rule (Pub. December 19, 2008)

BACKGROUND: The Jobs for Veterans Act, enacted into Public Law 107-288 on November 7, 2002, made a number of amendments to encourage Veterans access to services within an integrated one-stop service delivery system. A section of the law (Section 2(a) of the Act – 38 United States Code 4215(a)) establishes a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in Department of Labor (DOL) training programs. 20 CFR Part 1010, issued December 19, 2008, provides the final rule for priority of service for covered persons. Workforce Investment Act (WIA) Title IB programs are among the 20 DOL-funded workforce programs that are covered by the section 4215 priority.

DEFINITIONS: For the purpose of this instruction, a "**covered person**" is one of the following:

- a **veteran** - The term "veteran" means a person who served 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.
- the **spouse** of any of the following individuals:
 - any veteran who died of a service connected disability.
 - any member of the Armed Forces serving on active duty who, at time of application, is listed in one or more of the following categories and has been so listed for more than 90 days:
 - missing in action; captured in the line of duty; or forcibly detained;

- any veteran who has a total disability resulting from a service connected disability as evaluated by the Department of Veterans Affairs; or
 - any veteran who died while a disability indicated above was in existence.
- **non-covered person** – any individual who meets neither the definition of veteran, nor eligible spouse as defined above.

“**Veterans’ priority of service**” means that covered persons who meet program eligibility requirements shall be given priority over non-covered persons for the receipt of all services provided under the program, notwithstanding any other provision of the law.

POLICY: This instruction applies to all qualified job-training programs (any program or service for workforce preparation, development or delivery that is directly funded in whole or in part by the Department of Labor). Covered persons must first meet the program’s eligibility requirements and program eligibility will not change with the implementation of this policy. Covered persons must receive the highest priority for the program or service. Veterans’ priority of services cannot be waived.

In implementing veterans’ priority when it is necessary to put the local workforce area’s low-income priority of service in place, the population to receive intensive and training services would be, in order of priority:

1. covered persons who are low-income or receiving public assistance;
2. non-covered persons who are low-income or receiving public assistance;
3. covered persons who are not low-income or receiving public assistance; and, lastly,
4. non- covered persons who are not low-income or receiving public assistance.

ACTION: This information and the related requirements must be communicated to all appropriate staff in the local area, including TAA staff, Workforce Investment Board (WIB) staff, WIA staff, and the One-Stop Operators. WIA state and local staff will monitor implementation and review the nature and share of workforce system service to veterans in the state and local areas.

Local WIBs must develop and include in their strategic local plan, a policy that addresses how priority of services to veterans and other covered persons will be applied. Policies should include procedures to:

- ensure that covered persons are identified at point of entry;
- ensure that each covered person who applies to or is assisted by a program is informed of the employment-related rights and benefits to which they are entitled;
- ensure that service providers and staff are instructed to collect the required data elements for covered persons when enrolling persons into the WIA Title I and Trade Adjustment Assistance programs.
- ensure that compliance by all grantees/contractors is monitored;
- ensure review of the area’s service levels of covered persons including:
 - the percentage of program participants that are covered persons;

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- the percentage of participants who are covered persons who receive intensive and training services; and
- an analysis of whether the representation of covered persons is in proportion to the incidence of their representation in the labor market.

Virtual OneStop reports will be created to assist local areas with their review of this data.

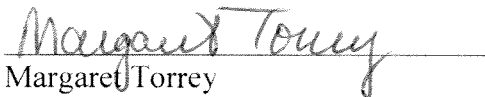
DOL-funded grants or contracts issued locally must include language to ensure that all LWIA grantees/contractors are fully aware of the Jobs for Veterans requirements and of their obligation to design and deliver services accordingly. Such language may include:

This program is subject to the provisions of the "Jobs for Veterans Act," Public Law 107-288 and 20 CFR Part 1010 (Final Rule) which provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the Department of Labor. Please note that, to obtain priority service, a veteran must meet the program's eligibility requirements.

All requests for proposal, grants/contracts and Memoranda of Understanding or other service provision agreements, must be administered in compliance with the veterans' priority provisions and shall include the language. Existing grants and contracts must be modified to include the language.

The Terms and Conditions for new grants have been modified and will be transmitted separately.

INQUIRY: Questions may be directed to Ms. Pat Sherlock at (803) 737-2601 or psherlock@sccommerce.com.



Margaret Torrey
Deputy Secretary for Workforce