

Revised – June 15, 2012

COWIB Policy on Priority of Service for Veterans and Eligible Spouses



Including Procedures for Implementing the Requirements of the Jobs for Veterans Act



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Priority of Service for Veterans and Eligible Spouses

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Priority of Service for Veterans and Eligible Spouses

March 18, 2009

Background. The Jobs for Veterans Act¹ creates a priority of service for veterans (and some spouses) who meet the eligibility requirements for participation in DOL-funded training programs.

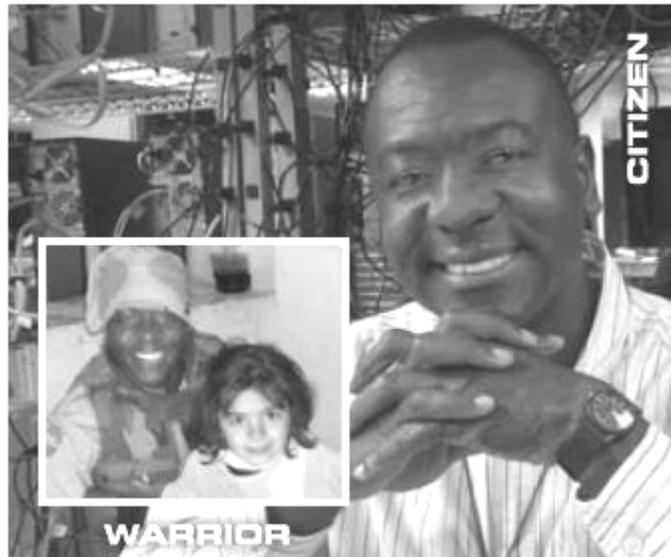
Purpose. The policy and procedures described in this statement are designed for the purpose of complying with the priority requirements of the Jobs for Veterans Act.

Definitions. The following definitions are derived from the federal law (Jobs for Veterans Act) and relevant regulations.

Covered Person. With respect to priority of service for veterans, the term “covered person” means any of the following individuals:

- (A) A veteran.
- (B) The spouse of any of the following individuals:
 - (i) Any veteran who died of a service-connected disability.
 - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed in one or more of the following categories and has been so listed for a total of more than 90 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.
 - (iii) Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs.
 - (iv) Any veteran who died while a disability, as indicated in paragraph (iii) of this section, was in existence.

(Reference: Section 2(a)(1) of the Jobs for Veterans Act)



¹ Public Law 107-288 codified at 38 U.S.C. Section 4215.

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Veteran. With respect to priority of service for veterans, the term “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, as specified in 38 U.S.C. 101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes.”

(Reference: [38 U.S.C. 101\(2\)](#), Jobs for Veterans Act)

1. Priority of Service Guidelines.

When delivering services through our local workforce development system, COWIB Service Providers shall take positive steps to assure that covered persons, as defined in the Jobs for Veterans Act, will receive priority service over non-covered persons.

This policy is applicable to services funded through the U.S. Department of Labor – including, but not limited to:

- ✓ Wagner-Peyser funded employment services;
- ✓ Trade Adjustment Assistance Program;
- ✓ Adult and Dislocated Worker Programs funded under the Workforce Investment Act (WIA);
- ✓ WIA Youth Formula Funded Programs,
- ✓ WIA national programs;
- ✓ Community Based Job Training Grants;
- ✓ Job Corps;
- ✓ Veterans' Workforce Investment Program;
- ✓ Office of Disability Employment Programs;
- ✓ Pilot and Demonstration Grants;
- ✓ Discretionary grants such as those using H-1B funds;
- ✓ Programs funded under the American Recovery and Reinvestment Act of 2009; and
- ✓ Future grant formula or discretionary grants.

As new workforce preparation, development, or delivery programs or services funded in whole or in part by the Department are developed, they will also be covered by priority of service.

A. “Point of Entry.” In a Final Rule², the U.S. Department of Labor (DOL) recognizes the important role that local workforce systems play in ensuring that covered persons receive priority services. The Department describes how States and local workforce investment boards are required to address priority of service in their strategic plans. The Final Rule includes this statement:

² Published in the Federal Register on Friday, December 19, 2008, beginning at Page 78132.

“...Policies must require that processes are in place to ensure that covered persons are identified at the point of entry and given an opportunity to take full advantage of priority of service.” (Emphasis added)

DOL has identified “point of entry” as the point at which customers first come into contact with DOL-funded employment and training programs. As described in the Department of Labor’s Final Rule:

“Point of entry may include reception through a One-Stop Career Center established pursuant to the Workforce Investment Act of 1998, as part of an application process for a specific program, or through any other method by which covered persons express an interest in receiving services, either in-person or virtually.”

B. Identification of Covered Persons at the Point of Entry. In Central Oklahoma, our Service Providers will identify covered persons at the point of entry to our programs and services. This identification process will be implemented each time a customer accesses our programs – whether the contact is made by telephone, email, internet, or in person. (The term “customer,” in this sense, may refer to an applicant for Workforce Oklahoma services, a “self-service” customer, an eligible youth, or an eligible program participant).



Procedure for Identifying Covered Persons. Before any other service or screening process is implemented, the Service Provider (receptionist or other staff person working in the Welcome Unit) should ask the customer:

“Are you a veteran or the spouse or widow(er) of a veteran?”

If the customer replies positively, then follow-up questions must be asked to confirm that the individual meets the definition of “covered person” as given in the Jobs for Veterans Act.



Follow-Up for “Veteran.” If the customer is a veteran, the Career Guide must confirm that the individual served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable.

Background information: There are several types of discharge or release categories that apply to former military service members, including—

- Honorable;

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- General;
- Other Than Honorable;
- Bad Conduct;
- Dishonorable³;
- Entry Level Separation.

In most cases, it is not necessary to determine the exact type of discharge the veteran received. If the customer confirms that s/he received any type of discharge or administrative separation other than a “Dishonorable” discharge, then s/he may be considered a “Veteran” for the purpose of these procedures.

Follow-Up for “Spouse” of a Veteran. If the customer is the spouse or widow(er) of a veteran, the Career Guide must confirm that the individual:

- (i) Was the spouse of any veteran who died of a service-connected disability.
- (ii) Is the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 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.
- (iii) Is married to any veteran who has a total disability resulting from a service-connected disability.
- (iv) Is the surviving spouse of any veteran who died while a disability so evaluated was in existence.

Clearly, not every person who is married to a veteran can be considered a “covered” spouse for the purpose of these procedures. So, the Service Provider must carefully ask the customer if s/he falls within any of the categories listed above.

If the customer confirms that s/he matches any of these four criteria, then the customer may be considered a “covered person” for the purpose of this procedure.

C. Explaining Priority of Service. If the customer identifies him/herself as a “covered person,” then the Service Provider must promptly advise the individual that they are considered to be a *Jobs For Veterans Priority Customer* of the Workforce Oklahoma system.

³ “A Dishonorable Discharge... is a punitive discharge rather than an administrative discharge. It can only be handed down to an enlisted member by a General Court-Martial. Dishonorable discharges are handed down for what the military considers the most dishonorable of conduct. This type of discharge may be rendered only by conviction at a general court-martial for serious offenses (e.g. desertion, sexual assault, or murder etc) which call for dishonorable discharge as part of the sentence.”

(Source: http://en.wikipedia.org/wiki/Dishonorable_discharge#Dishonorable)

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A brief explanation of the meaning of “Jobs For Veterans Priority Customer” should be offered. The explanation should include the following points of information:

- (1) The customer is entitled to priority treatment over non-covered customers in the delivery of program services (including assistance in the completion of a program application, the determination of eligibility, referral to employment, etc.);
- (2) This explanation is being offered to the customer so that they may take the fullest advantage of their status as a priority customer;
- (3) For certain programs (such as Job Corps, the WIA Youth Program, Dislocated Worker program, etc.), there are additional eligibility requirements that must be met in order to access the full array of services that are offered.

D. Delivering Services to Jobs For Veterans Priority Customers. After a Jobs For Veterans Priority Customer has been identified at the point of entry, the Service Provider may proceed to offer the normal services that are usually available to program customers.

Jobs For Veterans Priority Customer do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:

- (1) The covered person will receive access to the service or resource *earlier in time* than non-covered persons; or
- (2) If the service or resource is limited, covered persons will receive access to the service or resource *instead of* or *before* any non-covered customers.

For example—

- During intake, if two customers arrive in the reception area at the same time, the covered person should be given priority attention over a non-covered individual.
- If there is not a sufficient number of counselors / intake specialists to give immediate attention to all customers who wish to apply for services, the Jobs For Veterans Priority Customer(s) should be served first – before other customers who have been waiting just as long.
- If any services are being offered in the form of a group session, Jobs For Veterans Priority Customers must be given the opportunity to access the session before it is opened up to non-covered customers. For example, if a sign-up system is used to reserve a spot for customers in a community resource workshop, Jobs For Veterans Priority Customers should be given an opportunity to sign up in advance of other non-covered customers. Or, if there is not a pre-registration system in place, Jobs For Veterans Priority Customers should be given the opportunity to take a seat ahead of other customers who arrive for the same session.

This Priority Treatment system for covered customers is not intended to completely replace the usual rule for delivering Workforce Oklahoma services – that is, “first come; first serve.” In

fact, these Priority of Service Guidelines should not generally be used to “bump” non-covered customers who have been waiting longer than a covered person for a limited resource or service opportunity.

Even so, our local workforce system is committed to giving a meaningful advantage to Jobs For Veterans Priority Customers who are seeking access to the services of our system. Our Priority Treatment procedures are an important acknowledgment of the sacrifices of the men and women who have served in the U.S. armed forces.

2. Documenting Priority Status.

A. Making a Determination.

As noted in these Guidelines, an individual customer’s status as a Veteran or Covered Spouse (as defined in the Jobs for Veterans Act) must be ascertained at the Point of Entry to our local workforce development system. The identification process is described on Pages 4 and 5 of this document.

To validate that a customer is a Veteran or Covered Spouse, the customer self-identifies his / her status. It is not necessary for the customer to present any further evidence (such as a DD-214 or other document) at the Point of Entry.

~~Attachment A of OETI #06-2006, Change 1, describes the documentation requirement for this item as follows:~~

~~“For participants who self-identify as Veteran, Other Eligible or Transitioning Service Member, staff must:~~

- ~~1. Record and/or verify the ‘Vet’ status I the OSL Universal Demographic screen.”~~

Attachment A of OSWDI #02-2012 describes the documentation requirement for this item as follows:

“Core Service Requirement

“Participant self-attestation to verify Eligible Veterans Status is required prior to co-enrollment into WIA Adult, DLW, NEG or TAA programs.

“Staff reviews the veteran’s status with the participant in the demographic snapshot. The participant then self-attests that the status is true and correct by entering their virtual signature on the demographic snapshot prior to proceeding to the program enrollment.”

Beyond this requirement to maintain a record in the OSL database, there is no mandate to collect or maintain any other documentation at the Point of Entry. The creation of a paper case file is not required at this point.

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~~NOTE: The definition of “Veteran or Other Eligible” given on Page 13 of Attachment A of OETI #06 2006, Change 1, differs from the definition given in the Jobs For Veterans Act. For the purpose of implementing the COWIB’s Policy on Priority of Service, the definition of “Veteran” given on Page 3 of these procedures should be used.~~

B. The Determination Worksheet for JVA-Covered Persons.

From the information supplied by the customer, it is possible to make a reliable determination regarding his / her status with respect to the Jobs For Veterans Act. It is a straightforward process to determine if the customer is a “covered person” under JVA. To document this determination, a Jobs For Veterans Determination Worksheet may be used.

The worksheet provided on the preceding following page is offered as a desk aid which may also be used to document a customer’s status as a “covered person.” It is a simple 1-page form. It includes a space to record the customer’s name and participant identification number. The central feature of the worksheet is a logical rubric that allows each customer to be properly classified as a “Covered Person” or not.

After the worksheet has been completed, it should be signed by a qualified staff professional of the Workforce Oklahoma system. ~~If the customer is later determined to be in need of Intensive or Training Services, the worksheet may be used as documentation to verify his /her standing as a *Jobs For Veterans Priority Customer*.~~

The Jobs For Veterans Determination Worksheet may be used to document a customer’s status at the Point of Entry into the One-Stop System. However, at the point at which the customer enters Intensive Services and/or Training Services, additional documentation must be sought in order to verify the customer’s standing as a Jobs For Veterans Priority Customer. See Section 3 of this Policy, “Additional Documentation for Intensive / Training Services.”

3. Additional Documentation for Intensive / Training Services.

When a customer enters Intensive and/or Training Services, WIA service providers are required by state⁴ and federal⁵ guidance to collect documentation to validate a customer's status as a Veteran or Covered Spouse.

TEGL 28-11, Attachment A, describes the requirement this way:

Older Youth and Adults/DW/NEG Exiters who received Intensive or Training Services: DD-214, cross match with veterans data, a letter from the Veterans' Administration.

OSWDI #02-2012 reiterates the federal guidance:

*Intensive and Training Service Requirement***

DD-214

Letter from the Veterans Administration

Cross-Match with Veterans Data

***If a source document is not available at the time an intensive service is provided a program note must be entered indicating that the service was provided in keeping with the Veterans Priority of Service Policy and that the documentation will be obtained when the veteran returns for additional service*

COWIB interprets this guidance in the following way:

If a WIA customer claims to be a JVA-covered person, but his/her status has not yet been validated, then s/he may be given priority to receive any of the following intensive services (even though the source document is not available):

- **Comprehensive and specialized assessments**
- **Development of the Individual Employment Plan (IEP)**
- **Group counseling**
- **Individual Counseling and Career Planning**
- **Case management for customers seeking training**
- **Short-term prevocational services**
- **Literacy Activities related to basic workforce readiness**

Any of the preceding services may be provided in keeping with the Veterans Priority of Service Policy. A program note should be entered in the customer's OSL record to indicate that acceptable documentation will be obtained at the point at which the customer returns for additional services.

⁴ OSWDI #02-2012.

⁵ TEGL 28-11, Attachment A.

“Additional services,” in this regard, is interpreted to mean any other Intensive Service or Training Service for which an individual training agreement must be developed or for which a distinct payment process is involved, including the following:

- **Supportive Services ... for which a payment is required;**
- **Work Experience Activities ... for which a worksite agreement must be negotiated;**
- **Individual Training Account ... which involves the creation of training vouchers;**
- **On-the-Job Training ... for which an OJT Agreement must be negotiated;**
- **Etc.**

Any of the preceding services may be provided in keeping with the Veterans Priority of Service Policy, and validation of the customer’s status is required.

This means:

If the customer is able to produce acceptable documentation (DD-214, letter from the Veterans Administration, Cross-Match with Veterans Data), the customer may be given priority to receive any of the given services.

If the customer is *not* able to produce acceptable documentation, then the customer may receive the service – but they must *not* be given priority treatment. If the services are limited, then JVA-covered persons with acceptable documentation will be given first priority. In other words, when these “additional services” are sought, a customer without acceptable documentation of their JVA-covered status shall be treated as a non-veteran.

A. Documenting the Status of a Veteran.

It should be noted that, pursuant to 38 U.S.C. 101(2), a veteran is “...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 definition of “veteran” is expansive, and it is different from the definition of “veteran” that is used by the U.S. Department of Labor’s Veterans Employment and Training Service (VETS). For the purpose of the VETS program, an individual must generally have served on active duty for a period of more than 180 days⁶. For the Jobs For Veterans Act, in contrast, there is no requirement for time in service.

As a result, it is not always proper to depend on customer records from the Employment Service, DVOP’s, and LVER’s in order to determine an individual customer’s “JVA” status. For example, an honorably discharged veteran who served less than 180 days would not necessarily

⁶ Veterans discharged because of service-connected disabilities and members of reserve components who have served on active duty during a war or designated campaign are not subject to a 180-day requirement.

be classified as a veteran in the VETS program. Even so, such a customer should properly be treated as a veteran for the purpose of the Jobs For Veterans Act.

In November, 2012, a new state law will go into effect allowing the Oklahoma Department of Public Safety to issue special driver's licenses and personal identification cards bearing a flag emblem -- "as a way to honor and recognize the veterans who have served our country...."

The law provides that:

*"...The Department of Public Safety shall make space available in the upper left hand corner of the front of the driver license and the identification card for a flag emblem and the word 'veteran' to be designed by the Department that will serve as a notation of veteran status. Upon application for issuance or renewal of the driver license or identification card and in addition to other documentation required by the Department, persons requesting the flag emblem shall show proof of present or past military service."*⁷

COWIB recognizes that a special emblem-bearing driver's license or identification card issued by the Oklahoma Department of Public Safety after November 1, 2012, may be accepted as proper documentation of an individual's status as a veteran. The DPS-issued card or license will be recognized as a document that has been "cross-matched" with Veterans data.

B. Documenting the Status of a Covered Spouse.

Neither the state nor the federal guidance on data validation includes any special instructions for documenting the status of a covered spouse.

It is COWIB's interpretation that the status of a Covered Spouse (or Eligible Spouse) may be validated by two simple steps:

- (1) Completing a Jobs For Veterans Determination Worksheet (pg. 9) – being sure to properly record the customer's name and their answer to each qualifying question; and
- (2) Collecting a copy of an acceptable source document that will serve to show that the customer's spouse properly meets the definition of a "veteran."

C. Uploading Documentation into the OSL System

Pursuant to OSWDI #02-2012, Attachment A, an acceptable documentation source should be added to the "Uploaded Documentation Section" of the participant's OSL record – on the Case Details page. For a customer who is an Eligible Spouse, be sure to upload a copy of the Jobs For Veterans Determination Worksheet as well as an acceptable source document to validate "veteran."

⁷ See Section 6-124 of Title 47 of the Oklahoma Statutes.

3. 4. Priority of Service for Dislocated Workers

The procedures described in this section are applicable to customers who qualify for services through the WIA Dislocated Worker program.

A. Priority Guidelines for Core Services.

Background. The local workforce investment system in Central Oklahoma provides a wide range of Core Services. The core services identified in section 134(d)(2) of the WIA are:



- (1) Determinations of whether the individuals are eligible to receive assistance under subtitle B of title I of WIA;
- (2) Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop delivery system;
- (3) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
- (4) Job search and placement assistance, and where appropriate, career counseling;
- (5) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including--
 - (i) Job vacancy listings in such labor market areas;
 - (ii) Information on job skills necessary to obtain the listed jobs; and
 - (iii) Information relating to local occupations in demand and the earnings and skill requirements for such occupations;
- (6) Provision of program performance information and program cost information on:
 - (i) Eligible providers of training services described in WIA section 122;
 - (ii) Eligible providers of youth activities described in WIA section 123;
 - (iii) Providers of adult education described in title II;
 - (iv) Providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and
 - (v) Providers of vocational rehabilitation program activities described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);
- (7) Provision of information on how the local area is performing on the local performance measures and any additional performance information with respect to the One-Stop delivery system in the local area;
- (8) Provision of accurate information relating to the availability of supportive services, including, at a minimum, child care and transportation, available in the local area, and referral to such services, as appropriate;
- (9) Provision of information regarding filing claims for unemployment compensation;
- (10) Assistance in establishing eligibility for--
 - (i) Welfare-to-work activities...; and
 - (ii) Programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and
- (11) Followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under subtitle (B) of title I of WIA who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

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When delivering Core Services to Dislocated Workers, our local workforce system⁸ shall take positive steps to assure that covered persons, as defined in the Jobs for Veterans Act, will receive priority service over non-covered persons.

After a Jobs For Veterans Priority Customer has been identified at the point of entry, the Career Guide (or receptionist or other staff member of the Welcome Unit) may proceed to offer the normal services that are usually available to Workforce Oklahoma customers.

Jobs For Veterans Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:

- (1) The covered person will receive access to the service or resource *earlier in time* than non-covered persons; or
- (2) If the service or resource is limited, covered persons will receive access to the service or resource *instead of or before* any non-covered customers.

For example—

- In the Welcome Unit, if two customers arrive in the reception area at the same time, the covered person should be given priority attention over a non-covered individual.
- If there is not a sufficient number of Career Guides to give immediate attention to all customers who wish to register for services, the Jobs For Veterans Priority Customer(s) should be served first – before other customers who have been waiting just as long.
- If there are a limited number of computers in the Resource Room, a Jobs For Veterans Priority Customer should be given preference over a non-covered customer who has been waiting the same length of time.
- If any services are being offered in the form of a group session, Jobs For Veterans Priority Customers must be given the opportunity to access the session before it is opened up to non-covered customers. For example, if a sign-up system is used to reserve a spot for customers in a financial aid workshop, Jobs For Veterans Priority Customers should be given an opportunity to sign up in advance of other non-covered customers. Or, if there is not a pre-registration system in place, Jobs For Veterans Priority Customers should be given the opportunity to take a seat ahead of other customers who arrive for the same session.
- The center manager or One-Stop Operator may choose to offer expanded service hours in order to give Jobs For Veterans Priority Customers exclusive access to Core Services and resources.

⁸ The local workforce investment system is considered to be our Workforce Oklahoma offices and other WIA service providers such as TEEM.

This Priority Treatment system for covered customers is not intended to completely replace the usual rule for delivering Core Services – that is, “first come; first serve.” In fact, these Priority of Service Guidelines should not generally be used to “bump” non-covered customers who have been waiting longer than a covered person for a limited resource or service opportunity.

Even so, our local workforce system is committed to giving a meaningful advantage to Jobs For Veterans Priority Customers who are seeking access to Core Services. Our Priority Treatment system is an important acknowledgment of the sacrifices of the men and women who have served in the U.S. armed forces.

B. Priority Guidelines for Intensive Services.

(1) Background. Section 134(d)(3)(C) of the Workforce Investment Act defines the types of Intensive Services that may be delivered by a local workforce investment system. These include:

- (i) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include--
 - (I) diagnostic testing and use of other assessment tools; and
 - (II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- (ii) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
- (iii) Group counseling.
- (iv) Individual counseling and career planning.
- (v) Case management for participants seeking training services....
- (vi) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

As described in the COWIB Policy on Sequencing of Services, a customer must meet a certain threshold of need before s/he may receive Intensive Services. Eligibility for Intensive Services hinges on the customer’s ability to obtain employment that allows for self-sufficiency. As stated in Section 134(d)(3)(A) of WIA, Intensive Services may be offered to Adults and Dislocated Workers, respectively--

- (i) **(I) *who are unemployed and are unable to obtain employment through core services provided under paragraph (2); and***
(II) *who have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or*
- (ii) ***who are employed, but who are determined by a one-stop operator to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency.***

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The general eligibility criteria for accessing Intensive Services are spelled out in the COWIB Policy on Sequencing of Services. For reference, an “Eligibility Checklist for Intensive Services” is included on the next page of these procedures.

For customers who are eligible to be served in the Dislocated Worker program, the following table provides a summary of the Jobs For Veterans Priority system for Intensive Services:

<u>Type of Service</u>	<u>Enrollment Priority</u>
Comprehensive and specialized assessments	... <i>Covered Persons: Jobs for Veterans Act</i>
Development of the Individual Employment Plan (IEP)	... <i>Covered Persons: Jobs for Veterans Act</i>
Group counseling	... <i>Covered Persons: Jobs for Veterans Act</i>
Individual Counseling and Career Planning	... <i>Covered Persons: Jobs for Veterans Act</i>
Case management for customers seeking training	... <i>Covered Persons: Jobs for Veterans Act</i>
Supportive Services	... <i>Covered Persons: Jobs for Veterans Act</i>
Short-term prevocational services	... <i>Covered Persons: Jobs for Veterans Act</i>
Out-of-Area Job Search Assistance	... <i>Not Available</i>
Literacy Activities related to basic workforce readiness	... <i>Covered Persons: Jobs for Veterans Act</i>
Relocation Assistance	... <i>Not Available</i>
Work Experience Activities	... <i>Covered Persons: Jobs for Veterans Act</i>

As shown, the Priority system is simple and one-dimensional. If a service is available, it will be delivered on a priority basis to customers who qualify as a “covered person” under the Jobs for Veterans Act.⁹

(2) Delivering Intensive Services in the Jobs For Veterans Priority System. The Jobs for Veterans Act requires all states and local boards to maintain a record-keeping system that allows participants to be tagged as either a “covered” or a “non-covered” customer. Therefore, the Career Guide or Case Manager (or other staff member) will be able to recognize “covered” participants and offer intensive services to them on a priority basis.

When a covered customer seeks intensive services, the Career Guide or Case Manager (or other staff member) may proceed to offer the usual intensive services that are available to other eligible customers. Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” has the same meaning for Intensive Services as it does for Core Services:

- (1) The covered person will receive access to the Intensive Services *earlier in time* than non-covered persons; or

⁹ All customers who receive an Intensive Service, regardless of priority status, must satisfy the eligibility criteria described in the COWIB Policy on Sequencing of Services.

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- (2) If a particular type of Intensive Service is limited, covered individuals will receive access to the service *instead of* or *before* any non-covered customers.

For example—

- When customers are being scheduled for comprehensive and specialized assessments, veterans and covered spouses should be given the first opportunity to make an appointment – ahead of non-covered customers.
- When Case Managers are scheduling customers for the development of an IEP, covered customers should be given the first opportunity to request an appointment time.
- When group counseling is being offered, veterans and covered spouses must be given the opportunity to access the session before it is opened up to non-covered customers. For example, if a sign-up system is used to reserve a spot for customers, covered individuals should be given an opportunity to sign up in advance of other non-covered customers. Or, if there is not a pre-registration system in place, veterans and covered spouses should be given the opportunity to take a seat ahead of other customers who arrive for the same session.

Our local workforce system is committed to giving a tangible advantage to Jobs For Veterans Priority Customers who are seeking access to Intensive Services. We intend to offer this advantage from the time the customer is determined eligible for his/her first Intensive Service and during the delivery of all subsequent services, too.

C. Priority of Service Guidelines for Training Services.

(1) Background. Section 134(d)(4)(D) of the Workforce Investment Act defines the types of Training Services that may be delivered by a local workforce investment system. These include:

- (i) occupational skills training, including training for nontraditional employment;*
- (ii) on-the-job training;*
- (iii) programs that combine workplace training with related instruction...;*
- (iv) training programs operated by the private sector;*
- (v) skill upgrading and retraining;*
- (vi) entrepreneurial training;*
- (vii) job readiness training;*
- (viii) adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii); and*
- (ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.*

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As described in the COWIB Policy on Sequencing of Services, a customer must meet a certain threshold of need before s/he may receive Training Services. As stated in Section 134(d)(4)(A) of WIA, Training Services may be offered to Adults and Dislocated Workers, respectively--

- (i) *who have met the eligibility requirements for intensive services under paragraph (3)(A) and who are unable to obtain or retain employment through such services;*
- (ii) *who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;*
- (iii) *who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;*
- (iv) *who meet the requirements of subparagraph (B); and*
- (v) *who are determined to be eligible in accordance with the priority system....*

The general eligibility criteria for accessing Training Services are spelled out in the COWIB Policy on Sequencing of Services. For reference, an “Eligibility Checklist for Training Services” is included on Page 18 of these procedures.

(2) Priority of Service for Training. For customers who are eligible to be served in the Dislocated Worker program, the following table provides a summary of the Jobs For Veterans Priority system for Training Services:

<u><i>Type of Service</i></u>	<u><i>Enrollment Priority</i></u>
Occupational Skills Training, including non-traditional	... <i>Covered Persons: Jobs for Veterans Act</i>
On-the-Job Training	... <i>Covered Persons: Jobs for Veterans Act</i>
Programs of Combined Workplace Training	... <i>Covered Persons: Jobs for Veterans Act</i>
Skill Upgrading and Retraining	... <i>Covered Persons: Jobs for Veterans Act</i>
Entrepreneurial Training	... <i>Covered Persons: Jobs for Veterans Act</i>
Job Readiness Training	... <i>Covered Persons: Jobs for Veterans Act</i>
Training Services with Adult Education / Literacy	... <i>Covered Persons: Jobs for Veterans Act</i>
Customized Training	... <i>Covered Persons: Jobs for Veterans Act</i>

As shown, the Priority system is simple and one-dimensional. All training services will be delivered on a priority basis to customers who qualify as a “covered person” under the Jobs for Veterans Act.¹⁰

¹⁰ All customers who receive a Training Service, regardless of priority status, must satisfy the eligibility criteria described in the COWIB Policy on Sequencing of Services.

(3) Delivering Training Services in the Jobs For Veterans Priority System. The process for delivering training services is not different from the process for delivering intensive services.

When a covered customer seeks training services, the Career Guide or Case Manager (or other staff member) may proceed to offer the usual training services that are available to other eligible customers. Jobs For Veterans Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” has the same meaning for Training Services as it does for Intensive Services:

- (1) The covered person will receive access to the Training Services *earlier in time* than non-covered persons; or
- (2) If a particular type of Training Service is limited, covered individuals will receive access to the service *instead of* or *before* any non-covered customers.

Here is a set of general procedures for offering training services to Dislocated Worker program participants:

- ✓ In cooperation with the COWIB, the One-Stop Operator will prepare a plan describing the number of DLW participants who will be enrolled in training activities in the Central Oklahoma area. The plan should take into consideration the amount of funds available for Individual Training Accounts (ITA)’s as well as other variables which may be relevant to the delivery of training services.
- ✓ Simultaneously, the One-Stop Operator will compile a list of eligible Dislocated Workers who have been assessed as having a need for training services.
- ✓ Periodically – no less frequently than once per month – the One-Stop Operator will review the number of eligible Dislocated Workers who need training services compared to: (a) The amount of unobligated DLW funds available for ITA’s; and (b) Other relevant factors identified by the One-Stop Operator.
- ✓ The list of eligible customers must be ranked in terms of the Jobs For Veterans Priority status of each customer, with JVA-covered customers at the top of the list.
- ✓ The training requests of all JVA-covered customers must be considered *before* the needs of any non-covered customers are examined.
- ✓ If two or more JVA-covered customers have requests pending for training services, the One-Stop Operator may implement a process for delivering the training consistent with COWIB Policy. The process must be designed to provide for the delivery of services on an equal opportunity basis.¹¹ An unbiased random selection process may be used.

¹¹ Discrimination is prohibited on the grounds of race, color, religion, sex, national origin, age, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIA Title I--financially assisted program or activity.

Eligibility Checklist for Training Services



Participant Name: _____

Participant ID Number: _____

(1) Assessment / IEP

In order for a participant to progress from Intensive Services to Training Services, each of the following requirements must be satisfied--

- ___ Requirements for Core and Intensive Services have been met;
- ___ The COWIB's Policy on customer choice has been described to the participant;
- ___ Customer has actively participated in the development of an Individual Employment Plan;
- ___ IEP clearly documents the need for Training Services;
- ___ Customer has skills and qualifications to successfully participate in the selected program;
- ___ The selected program of training is related to a COWIB-approved "Demand Occupation."

If any of the above requirements are not met, then the customer is not eligible to receive WIA-sponsored Training Services.

(2) Coordination of Training Funds

___ YES ___ NO An "Unmet Training Needs" worksheet and/or a "Coordination of Training Funds" form has been completed, documenting a need for WIA assistance.

(3) ITA Requirements

Unless an exception exists, the training shall be provided through the use of an Individual Training Account (ITA). The following forms, bearing the signature of the participant, must be completed:

- ___ (a) Individual Training Account
- ___ (b) Training Enrollment Agreement

Description of Training:

Determination.

Based on the analysis shown above, I have determined that the named participant is:

___ **Eligible** ___ **Not Eligible** to receive Training Services according to local policy.

Service Provider Representative

Date

Our local workforce system is committed to giving a tangible advantage to JVA-Covered Customers who are seeking access to Training Services.

4. 5. Priority of Service in the WIA Youth Program

The procedures described in this section are applicable to customers who qualify for services through the WIA Youth Program.

Eligible participants in the WIA Youth Program do not typically qualify as a “covered person” under the Jobs For Veterans Act. Even so, it is not uncommon for a small percentage of eligible youth to have a history of prior service in the armed forces. Although the number of Jobs For Veterans Priority Customers may be small, it is important to identify them and to give them the priority service to which they are entitled under the law.

When delivering services in the WIA Youth Program, our Youth Providers shall take positive steps to assure that covered persons, as defined in the Jobs for Veterans Act, will receive priority service over non-covered persons.

A. Explaining Priority of Service. If the customer identifies him/herself as a “covered person,” then the Youth Provider must promptly advise the individual that they are considered to be a priority customer of the WIA Youth Program.

A brief explanation of the meaning of “priority customer” should be offered. The explanation should include the following points of information:

- (1) The customer is entitled to priority treatment over non-covered customers in the delivery of program services (including assistance in the completion of a program application, the determination of eligibility, referral to community services, etc.);
- (2) This explanation is being offered to the customer so that they may take the fullest advantage of their status as a priority customer;
- (3) There are additional eligibility requirements that must be met in order to access the full array of services offered by the WIA Youth Program.

B. Delivering Services to Priority Customers. After a Jobs For Veterans Priority Customer has been identified at the point of entry, the Youth Provider may proceed to offer the normal services that are usually available to program customers.

Jobs For Veterans Priority Customers do not receive different services than non-covered customers. However, they are eligible to receive priority treatment in the manner that the services or resources are delivered.

In practical terms, “priority treatment” means:



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- (1) The covered person will receive access to the service or resource *earlier in time* than non-covered persons; or
- (2) If the service or resource is limited, covered persons will receive access to the service or resource *instead of* or *before* any non-covered customers.

For example—

- During intake, if two customers arrive in the reception area at the same time, the covered person should be given priority attention over a non-covered individual.



- If there is not a sufficient number of counselors / intake specialists to give immediate attention to all youth who wish to apply for services, the Priority Customer(s) should be served first – before other customers who have been waiting just as long.
- If any services are being offered in the form of a group session, Priority Customers must be given the opportunity to access the session before it is opened up to non-covered customers. For example, if a sign-up system is used to reserve a spot

for eligible youth in a community resource workshop, Priority Customers should be given an opportunity to sign up in advance of other non-covered customers. Or, if there is not a pre-registration system in place, Priority Customers should be given the opportunity to take a seat ahead of other young people who arrive for the same session.

This Priority Treatment system for covered customers is not intended to completely replace the usual rule for delivering WIA Youth Program services – that is, “first come; first serve.” In fact, these Priority of Service Guidelines should not generally be used to “bump” non-covered customers who have been waiting longer than a covered person for a limited resource or service opportunity.

Our local workforce system is committed to giving a meaningful advantage to Jobs For Veterans Priority Customers who are seeking access to the services of the WIA Youth Program. Our Priority Treatment system is an important acknowledgment of the sacrifices of the young men and women who have served in the U.S. armed forces.

5. 6. Additional Guidance on Service Delivery

The following guidance is copied directly from the Department of Labor’s Final Rule on “Priority of Service for Covered Persons.”

I. Background

On August 15, 2008, the Department published an NPRM [Notice of Proposed Rulemaking]... proposing regulations to implement priority of service in qualified job training programs prescribed in section 2(a)(1) of the JVA. We invited comments for a 60-day period, which closed on October 14, 2008. All comments received during the comment period have been posted on www.regulations.gov.....

II. Discussion of the Comments and Regulatory Provisions

Summary of Comments

The Department received 28 submissions commenting on the NPRM by the close of the comment period. All comments were carefully reviewed. Of the 28 comments, 17 were from organizations with an interest in veterans’ employment services.....

Discussion of Comments on Subpart B— Understanding Priority of Service....

Service Delivery Processes

Comment: A number of comments addressed the provision of priority of service at the point of entry to the workforce system. Three commenters indicated a need to assist front-line staff in applying regulations and policies at the point of entry and called for a more detailed explanation of the regulations and their impact on One-Stop operations. Other commenters requested guidance on how to handle priority of service affirmation during self registration....

Comment: Several comments identified service delivery procedures that may be impacted by the regulations. One commenter stated that implementing priority of service for covered persons would be unmanageable for certain services that are usually provided through personal appointments with service provider staff and also may create bad feelings or ill will among non-covered customers. A second commenter asked for guidance regarding the processes that State agencies could use if they have to “bump” a non-veteran in order to give priority to a covered person. Another commenter objected to implementing priority of service as a “cut in line” policy.

Response: It is important to note that priority of service under the JVA has been in effect since 2003 and recipients should already have policies and procedures in place to ensure priority of service to veterans. As part of implementation of this rule, recipients will need to reexamine their policies and procedures and change them if necessary to ensure priority of service is provided to covered persons. For example, program operators might consider adjusting policies to leave appointment slots open for covered persons, or designating staff to see covered persons on a walk-in basis on certain days. Regarding the creation of bad feelings or ill-will toward covered persons, customers of DOL-funded services need to be made aware which populations receive priority. Clearly posting this information is likely to decrease ill-will. DOL will provide extensive guidance and technical assistance in how to implement priority of service under this rule....